

CM 334178

1942 SABOTEURS CASE

DASCH + BURGER CORRESPONDENCE PARTY.

October 28, 1944

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MEMORANDUM FOR THE ATTORNEY GENERAL

RE: GEORGE JOHN DASCH, With Aliases;
ERNEST PETER BURGER, ET AL: SABOTAGE

Transmitted herewith is a memorandum reflecting favorably and unfavorably on both George John Dasch and Ernest Peter Burger, which you may wish to consider in the event your recommendation with regard to commutation of the sentences imposed upon Subjects Dasch and Burger should become desirable.

In the event consideration is given after the war to the release of any prisoners convicted of wartime offenses, it is believed that consideration should be given to Dasch and Burger. If these individuals are to be released for reasons other than the expiration of sentence, it is felt they should be deported immediately and should remain in custody until such deportation.

Concerning what efforts will be made by these Subjects to effect their release, you may wish to know Dasch has indicated to an Agent of this Bureau that upon the termination of the war he will insist upon complete vindication and will not be satisfied with a Presidential pardon. In this regard, it will be recalled that Dasch displayed great bitterness following his conviction and on numerous occasions complained that the FBI was responsible for the alleged injustice of his conviction. He has indicated that unless complete vindication is forthcoming, he will take steps to force such action by publicizing his part in the apprehension of the Subjects. It is my understanding that Dasch is desirous of interesting Arthur Garfield Hayes and the American Civil Liberties Union in his case and that possibly in February of 1945 he will initiate some action.

According to my further information, Colonel Ristine, who represented Dasch before the Military Tribunal at Washington, consulted with Dasch and Burger at the Atlanta Penitentiary and offered to represent these Subjects in their efforts to procure commutations. Colonel Ristine reportedly said that he would commence action at the proper time and counselled that in the meantime they should make no attempt to obtain commutations. Burger is alleged to have declined Ristine's offer with the statement that he would handle his own interests at the opportune time.

Respectfully,

John Edgar Hoover
Director

Incl 3

COPY

Colonel Nicholas Voorhis
Room 3C488, Pentagon Bldg.
Washington, D. C.

June 5, 1948
Wakefield Station
P.O. Box #76, New York 66, NY.

My Dear Sir:

I have been informed here, by Acting Attorney General, Peyton Ford, in his letter to my counsel, Mr. Arthur Garfield Harp, of June 3, 1948, to write to you for my transportation, and passport Book to Germany. The reason is that I would love to visit, or join my husband Mr. George J. Dasch, of who is now there, and, who has been rushed away without even giving me a chance to visit with him, while he was transferred here in the East, from Leavenworth, Kansas.

However, I have been seperated from my husband for nearly six years now. I love my husband, and I feel it is only a wife's duty to be with her husband, no doubt you do know about my husband, who has been sent to jail, instead of receiving a reward for his services to the United States. I am quite sure that you my Dear Sir, will understand my feelings as a wife.

Therefore, I beg you to kindly arrange my transportation and I will be looking forward eagerly for your kind reply and advise.

Thank you very kindly,

I remain sincerely,

/s/ Mrs. Marie C. Dasch

UNITED STATES DEPARTMENT OF JUSTICE
Bureau of Prisons
Washington 25

~~CONFIDENTIAL~~

August 4, 1947

MEMORANDUM FOR THE SOLICITOR GENERAL

Re: Ernest Peter Burger, #62727-A
George John Dasch, #61536-L

In compliance with your request of July 21, 1947, we wrote the wardens of the United States Penitentiary, Atlanta, Georgia and the United States Penitentiary, Leavenworth, Kansas, requesting that they obtain the reaction of Dasch and Burger to the proposal that they be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor.

I am enclosing copies of the replies from Wardens Sanford and Hunter. You will note that Warden Sanford states that Burger is agreeable to any plan worked out by the government which will effect his release and return to Germany. Mr. Sanford also has some comments to make regarding Dasch, who was formerly a prisoner at Atlanta.

Warden Hunter stated in his letter of July 28, 1947 that, "I have had quite a lengthy conversation with Dasch regarding this matter. I thought it best to have him state his reaction in writing, copies of which I am forwarding to you for whatever use you may care to make of them."

I am enclosing a copy of Mr. Loveland's letter to Warden Hunter in order that you may know exactly what Dasch refers to in his statement.

/s/ A. H. CONNER

A. H. CONNER
Acting Director

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July 28, 1947

TO: Warden Hunter

I, the undersigned, have carefully read the letter addressed to Mr. Hunter, Warden, dated July 23, 1947. I must conclude that the gist contained in the first paragraph stands in contradiction to the proposition made by the Honorable Tom C. Clark, United States Attorney General, to the effect that Dasch would be released if he voluntarily accepted deportation. Inquiries were made as to the exact definition and further on the status of Dasch on his return to Germany, and he received the assurance that, and here I quote the Attorney General that "Dasch would be free as long as he is law abiding."

I have complied with the condition as proposed by the Attorney General, namely not to contest deportation, and consequently measures and procedures have been completed towards my deportation to the effect and fact that on the tenth of July I was furnished with a copy of the order of deportation by the Department of Justice, The United States Immigration and Naturalization Service. Therefore, it seems to me that the gist in the first paragraph of the letter to which we refer, is a matter of contradiction. To be really frank, this is exactly what I was afraid about, namely to be in custody of an authority where the plan of appeal and any other legal process can be denied to me, and furthermore, I categorically state that the last line which says that I am to be under supervision of the United States Commanding General as Military Governor, to assure against any further acts of hostility or sabotage, is a position taken that is a contradiction to facts, as I have at no time ever committed acts of hostility or sabotage against the people or the interests of the people of the United States. In contrast, I have committed acts that were to the exclusive benefit of the people of the United States, and for which if I had failed I would have paid with my life at the hands of those who America and other Nations fought and defeated, namely the Nazis.

The proposition made in this letter I cannot accept for the following reasons:

First: It interferes with the proposition made by the Attorney General.

Second: I have accepted the condition of deportation and have been furnished not only with an order of deportation, but also with a

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copy of a warrant of arrest.

I have had no desire or intention to remain as a resident in the United States. I wish here and now to renew again my statement that I made on my arrival in Washington, D.C., 1942, that it has always been my desire to return to Germany, but in face of facts and that as a person legally recognized as the friend of the people of the United States in contrast to that of an outright enemy as to the proposition in this letter would make me to be.

/s/ GEORGE JOHN DASCH
George John Dasch
Reg. No. 61536-L

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July 23, 1947

Personal & Confidential

Warden Hunter, Leavenworth

George John Dasch, #61536-L

Dear Warden Hunter:

We have received a confidential communication from the Acting Solicitor General stating that it has been proposed that both Burger and Dasch be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor to insure against any possible further acts of hostility or sabotage,

Mr. Washington has requested that we ascertain Dasch's reaction to this proposal. It should be made clear to him that there is no legal method by which he can remain in this country, because even if he were unconditionally released from confinement, he would be subject to deportation as an alien who entered the country without proper papers. It should also be made clear that the plan is still in a tentative stage.

Will you let me know as soon as possible after you have talked with Burger.

FRANK LOVELAND
Assistant Director

WAR DEPARTMENT

DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

~~CONFIDENTIAL~~

FILE No.

MID 918

SUBJECT

Extension of Clemency to Ernest Peter BURGER and George John DASCH, German Saboteurs

TO The Judge Advocate General FROM D/I, GS, USA

DATE 27 Oct 1947

COMMENT No. 1

Col Blakeney/bjd/2468

1. The summary requested in paragraph 5 of your memorandum dated 20 October 1947, subject as above, is attached.
2. The summary was prepared from the following sources:
 - a. Intelligence Division files.
 - b. Memorandum for the Director of Intelligence (Att: Col Blakeney), 20 Oct 1947, file JAGJ 1946/1139.
 - c. JAG file dated 14 January 1946, file SPJGE 1946/1139 re: George John DASCH and Ernest BURGER.
3. The record of trial of subjects, in the custody of Mr. George Washington, Assistant Solicitor General, was not reviewed inasmuch as Mr. Washington did not feel such review necessary.
4. Confessions signed by the subjects and now in the custody of the Federal Bureau of Investigation were not available.

FOR THE DIRECTOR OF INTELLIGENCE:



1 Incl

S/I dtd 23 Oct 47 (in trip)

L. R. FORNEY
Colonel, GSC
Chief, Security Group

Automatically upgraded UNCLASSIFIED
Authority E.O. 12065

~~CONFIDENTIAL~~

28 OCT 47 AM



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MID 918

Extension of Clemency to Ernest Peter BURGER and
George John DASCH, German Saboteurs

The Judge Advocate General

D/I, GS, USA

27 Oct 1947
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October 28, 1944

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Respectfully,

John Edgar Hoover
Director

MEMORANDUM

GEORGE JOHN DASCH

This subject was born on February 7, 1903, at Speyer-on-the Rhine, Germany, and first entered the United States on October 12, 1922, at Philadelphia, Pennsylvania, as a stowaway on board the SS Schoharie. On September 26, 1923, by payment of a head tax, Dasch legalized his entry and obtained Seaman's Identification Card #414243, dated on that day at New York City. It is of interest to note that in making the foregoing application Dasch falsely stated that he had arrived as a passenger via the SS Mount Carroll on October 4, 1922. However, after leaving the United States as a messman on board the SS Mount Clay, he re-entered the United States from Hamburg, Germany, on the same vessel at New York City on November 12, 1923.

Dasch visited Germany from March 6, 1930, to May 26, 1930; from November 5, 1930, to March 15, 1931, and from the Fall of 1931, to January 4, 1932. He again left the United States on March 27, 1941, under the circumstances hereinafter related.

While in the United States Dasch was employed at various places throughout the United States, principally as a waiter, and resided in New York City, San Francisco, California; St. Louis, Missouri and Chicago, Illinois. He was very active in the Local Waiters Union in Westchester County, New York belonging to a faction which was opposed to the officials of the union. On one occasion he had sought the presidency of the local and on another he had endeavored to organize a separate union. It was also reported that Dasch had attempted to transfer the affiliation of the local to the CIO.

He frequented a club operated by one Joseph Mayer, at 121 West 49th Street, New York City, New York, known as the Certified Hotel and Restaurant Executives Association, where most of his time was spent in gambling. Waiters and customers of this club, some of whom had known Dasch for five years, furnished the information that Dasch was admittedly a Communist and one of the waiters, Abraham Reicher, reported this information to the New York Field Office of the FBI. Dasch reportedly told the above individuals that he was going to Russia, via Japan, where he had a brother who occupied a good position in the Communist Party and that upon his return to the United States the fireworks would start. Dasch indicated that he believed in Communist principles and was opposed to the Nazis. With further regard to his brother, Dasch on other occasions stated that he was a manager of Russian oil fields and that his brother resided in Moscow.

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Dasch allegedly filed an application for citizenship in the Southern District of New York about July, 1923, and on June 22, 1939, he filed a petition for naturalization in the same district. The basis of this petition was his marriage on September 18, 1930, to Rosemarie Guilli, an American citizen born on December 31, 1905, at Walston, Pennsylvania. This petition was denied, however, because of his failure to appear for final hearing and in this regard it may be noted that Dasch returned to Germany on March 27, 1941, prior to the expiration of two years from the date of the petition.

Upon subsequent examination by representatives of the FBI concerning his failure to file a petition prior to 1939, Dasch explained that he had never remained long enough in one place to acquire the necessary residence. He also called attention to the fact that on August 9, 1927, he had enlisted in the United States Army, believing that he had automatically become a citizen. However, when he found out differently, Dasch, while then serving with the Army Air Corps in Honolulu, Hawaii, purchased his discharge and on September 18, 1928, was discharged at San Francisco, California.

Concerning Dasch's sincerity in attempting to become a citizen of the United States, it is of interest to note that according to a confidential source, Dasch told the German Consul at New York City that he had disregarded a summons to take the oath of citizenship because of his intention to return to Germany. He is also alleged to have said that since Germany had gone to war in September, 1939, it would not be patriotic to renounce his German citizenship at such a time. Dasch had been meeting with the German Consulate at New York City for some time prior to his departure for Germany on March 27, 1941, representing himself to be a good German. The Consulate arranged to pay the passage of both Dasch and his wife to Germany and after obtaining German passports he left from San Francisco, California, on March 27, 1941, on the SS Tatuta Maru, arriving at Yokohama, Japan, on April 11, of that year. He left Tokyo, Japan, on April 22, 1941, and after passing through Manchuria and Russia, finally arrived at Malkamia, Poland, which was then a part of Germany, on May 13 of the same year. Relative to the attitude of Dasch toward the United States during this period, it might be mentioned that while in San Francisco he met one J. Neil Stebbins who later described Dasch as seemingly overjoyed and enthusiastic at the prospect of returning to Germany and assisting in the war effort. He referred to the fact that he had served in the United States Army Air Corps and that he anticipated the United States would shortly enter the war against Germany. Dasch indicated a belief in Hitler's New Order and told Stebbins that if he was unable to succeed in Germany he would kill himself. Stebbins also learned from Dasch that the German Consulate in New York City was paying his passage to Germany.

Concerning his activities in Germany, Dasch has advised that upon his arrival in Berlin on June 3, 1941, he met Lieutenant Walter Kappe who was purportedly assigned to the Intelligence Division of the German High Command and engaged in the direction of sabotage abroad. Kappe arranged for Dasch's

Memorandum

employment in the German Foreign Office as a monitor of foreign language broadcasts and later suggested that Dasch participate in sabotage operations in the United States. At Kappe's request Dasch prepared a detailed memorandum as to how such operations could be best accomplished. Thereafter Dasch, as of February 27, 1942, terminated his connection with the Foreign Office and was engaged in conferences with Kappe and other officers of the High Command relative to prospective sabotage in the United States. Eventually he was assigned to the sabotage school at Quentz Lake, Brandenburg, Germany, where he was subsequently designated as the leader of one of the two missions. In connection with the plan for departure of the missions to this country, Dasch was the most active member of the sabotage group in planning for departure to the United States. Upon completion of the schooling the saboteurs proceeded to Lorient, France, from which place a group under the leadership of Edward Kerling left by submarine on the night of May 27, 1942. The group led by Dasch left from the same place on the succeeding night and landed at Amagansett, Long Island, on the early morning of June 13, 1942.

The family of Dasch consists of his Mother and Father, residing in Speyer, Germany; three sisters who also are residents of that country; four sisters in Switzerland; one sister in Mexico; one sister and one brother in the United States and a brother in the German Navy. In addition to such deductions as may be drawn from the above-related background and activities of Dasch, the following facts bearing upon his good faith in reporting the sabotage missions to the FBI are being set forth.

Following the arrival of his group at Amagansett on June 13, the four members left by train about 7:00 a.m. for Jamaica, Long Island, where they divided themselves into two groups, one composed of Burger and Dasch and the other of Heinrich Harm Heinck and Richard Quirin. Thereafter Dasch and Burger registered at the Governor Clinton Hotel in New York City while Heinck and Quirin took up residence at the Martinique Hotel in the same city. Dasch claimed that on the following day, June 14, 1942, he and Burger discussed the possibility of disclosing the saboteurs to the FBI according to plans which Dasch had previously formulated. He and Burger allegedly agreed that Dasch would report the landing and that the entire situation would be handled by Dasch.

In pursuance of the plan thus devised, Dasch telephonically contacted the New York Field Office of the FBI about 7:50 on the evening of June 14, 1942, identifying himself as Franz Daniel Pastorious. He said that he was going to Washington, D. C., on the following Thursday or Friday and that he wished Mr. Hoover or his representative to be advised of the fact that he planned to see him. No reason was given by Dasch for the desired interview with Mr. Hoover and there was nothing in his conversation to associate him with the saboteurs. When Dasch was subsequently interrogated by an Agent of the FBI concerning his failure to immediately report his landing in order to make possible the apprehension of the Kerling group at Jacksonville, Florida, on June 17, 1942, Dasch

Memorandum

indicated that while he would not hesitate to report any of the saboteurs, he did not wish any harm to befall crew members of the submarines since they were merely doing their duty. In this regard it is noted that according to his own admission Dasch had anticipated that the Kerling group arrived in Florida on June 15, or 16, 1942.

On Monday, June 15, 1942, Dasch went to the club operated as aforesaid by Joseph Mayer at 121 West 49th Street, New York City, where he played cards continuously until 7:00 a.m. on June 17, 1942, when he returned to the Governor Clinton Hotel. During the time of his card playing Dasch indicated to some of the individuals in attendance that he was desirous of losing money. However, he apparently won and paid the bills of the other men and presented gifts to one or two others. After spending the night of June 17, 1942, with Burger at the hotel he departed at 2:30 p.m. on the following day and arrived at Washington about 7:00 o'clock on that evening.

On the morning of June 19, 1942, Dasch called the United States Government Information Bureau and attempted to be placed in communication with a representative of the Army Intelligence. When this contact could not be effected, Dasch called the FBI at approximately 10:00 a.m. He was picked up about half an hour later and brought to the Bureau for questioning.

Dasch delayed the furnishing of vital information desirable to the location of the other saboteurs who were at large in the United States at that time by insisting upon the dictation of his own statement. He was very arbitrary and wilful in his manner and it wasn't until the late night of June 19, that he divulged the exact location of Burger.

With further regard to the hesitance of Dasch in furnishing pertinent information, attention is called to the fact that he disclaimed knowledge of the formula necessary in bringing out the secret writing on the handkerchief which was in his possession. However, after 48 hours he admitted that the solution was ammonia. Had he given the desired formula immediately the Bureau would have learned that his contacts in the United States were Helmut Leiner, Astoria, Long Island, the Reverend Carl Krepper, Rahway, New Jersey, and Walter Froehling of Chicago, Illinois.

For several days Dasch disclaimed any knowledge of the identity of Werner Thiel, insisting that he knew of this individual only under his alias William Thomas. In this regard it is noted, however, that as a matter of fact Dasch had returned to Germany with Thiel on May 27, 1941, from San Francisco, via Japan and Russia.

In the early stages of his questioning, Dasch attempted to give the impression that he was a good German whose purpose was to help Germany by frustration of the activities of Hitler and the Nazi Party. However, when it

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was later made clear to him that he would not be permitted to dictate plans for the handling of this case, he endeavored to give the impression that his chief interest in reporting the saboteurs was an effort to assist the United States.

About July 1, 1942, Dasch indicated a willingness to cooperate in keeping the facts of this case from Germany by pleading guilty, but thereafter he refused to do so even though a plea would have helped to protect his parents. He had originally indicated a desire to protect his parents, but upon stating that he would not plead guilty he remarked that his parents would have to "take care of themselves."

During the trial Dasch refused to appear as a witness for the Government, this being a reiteration of a position which he had taken some time prior thereto while still at New York City. However, it should be borne in mind with regard to his refusal that his appointed counsel had advised him not to plead guilty.

The following facts would appear to reflect favorably upon the good faith of Dasch. Attention is first directed to the fact that Dasch did notify the Bureau of the arrival of the saboteurs in the United States.

It is also noted that generally speaking Dasch continuously displayed a cooperative attitude during the course of interrogation by representatives of the FBI and from time to time volunteered information which proved to be of value.

He readily identified pictures of Lieutenant Walter Kappe and Rheinhold Barth, both of whom, as members of the General Staff of the Germany Army, had participated in his recruitment. Dasch provided information as to the operations of these individuals and as to the operations of the German Intelligence generally.

Recently Dasch assisted an Agent of the FBI in devising a pretext for use in an espionage case. His ability to render this assistance was the result of his experience in Germany and the pretext, upon being subsequently used, was very effective.

As to persons who would vouch for his pro-American sympathies and intentions while in Germany, Dasch designated one William Polk Von Schaible. However, on the whole the information later obtained from this individual was unfavorable to Dasch. Von Schaible, an American citizen, was in Germany at the outbreak of the war and had spent considerable time in that country. From August 1, 1941, to January 6, 1942, Dasch and Von Schaible were both engaged by the German Government as monitors of foreign radio broadcasts at Wannsee, a suburb of Berlin. Von Schaible claimed that he, Von Schaible, was suspected

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by the Gestapo of being an agent of the United States and as a result he was on many occasions subjected to harsh treatment. However, Von Schaible was eventually repatriated to the United States and arrived at New York City on June 1, 1942.

When questioned relative to his knowledge of Dasch, Von Schaible said that most of his information had been obtained from his secretary, Miss Ruth Leonhardt, who had been very friendly with Dasch during the period of their joint employment at Wannsee. Von Schaible described Dasch as being overly zealous in his work, as indicated, for example, by the fact that he had declined to take advantage of a vacation during the holidays of Christmas in 1941.

Von Schaible further advised that Dasch had indicated a desire to become a member of the German Intelligence and in August, 1941, shortly after their meeting, he had told Von Schaible that he expected to come to the United States on an intelligence mission for the German Government. Dasch inferred that he and his group would gain entrance to this country off the coast of Florida by means of a fishing boat. His purpose in doing this, Dasch said, was to help the cause. Previous to his reference to the United States, Dasch had indicated that he intended to be dropped in Ireland by parachute.

Von Schaible also stated that during a conference with Dasch and Colonel Ristine, Attorney for Dasch, at Washington, D. C., Dasch had stated that he had seen the girl who ran Von Schaible's house in Germany after the latter's departure. With regard to this statement of Dasch, Von Schaible remarked, "I think he knew exactly that when I got back to this country I would make a report on him as soon as I could. He is so melodramatic. On the other hand, I couldn't quite believe that he had met this girl because I had told her not to tell anyone where I was. He must have been awfully persuasive."

Continuing, Von Schaible stated, "I feel that the fact that Dasch learned I was returning to the United States may have caused him to reach a decision to divorce himself of this sabotage plan. According to my information it was four days after I left that he learned of my departure. He said that he had been there on the 19th. Dasch told me during our interview in Washington that he had met William Linge on May 19, and had become cognizant of the fact that I was on my way to the United States. In all probability Dasch would not have been able to contact my housekeeper until the 20th, at which time I had crossed the Spanish-French border."

Von Schaible was called as a defense witness in the trial before the Military Tribunal and was interviewed by Colonel Ristine separately as well as in the presence of Dasch. An effort was made to have Von Schaible testify that as a result of his experience and association with Dasch in Germany, he

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had formed the opinion that Dasch was not a Nazi and further that Dasch had exhibited pro-American sympathies. Von Schaible allegedly refused to testify in this manner and told Dasch that he considered the latter to be a good German who would do anything for Germany. Presumably as a result of these interviews Von Schaible was not called as a defense witness.

M E M O R A N D U M

ERNEST PETER BURGER

This subject was born September 1, 1906, at Augsburg, Germany. In 1921 he was a member of the Friekorps, a volunteer youth group which was organized to fight the Poles who were then invading Germany. In 1923 he became a member of the German National Socialist Labor Party (NSDAP), but in 1927 the Party experienced difficulty in Germany and Burger, believing that he would be killed if he remained in Germany, proceeded to the United States. He sailed from Bremen February 15, 1927, and arrived in the United States February 29, 1927, at New York City on the SS Muenchen. He traveled on a Quota Immigrants Visa issued January 21, 1927, by the American Consul at Stuttgart, Germany.

Burger filed his Declaration of Intention for citizenship September 16, 1927, and on April 18, 1932, he filed his Petition for citizenship while residing in South Milwaukee, Wisconsin. On February 14, 1933, the Circuit Court, Milwaukee, Wisconsin, issued his Certificate of Naturalization. It is interesting to note that Burger and this certificate in his possession when he landed with the other German saboteurs at Amagansett, Long Island, June 13, 1942. It is also to be noted that as a citizen of the United States Burger is subject to possible denaturalization proceedings by reason of the fact that he did not report to the American Consul in Germany at any time after his return there in 1933.

The family of Burger consists of his Mother and Father, Max and Johanna Burger, Wuersburg, Germany, and a sister, Mrs. Ann Dantanello, Wuersburg, Germany, whose husband, Josef, is a German Government employee. Theresa Weiss, Carrollville, Wisconsin, is a distant relative of his Mother and has not been seen by Burger since 1933. Burger married Bettina Luscher, his secretary, after he graduated from the University of Berlin in July, 1939. She is now with his parents in Wuersburg.

During the time Burger was in the United States, 1927-1933, he was employed at Milwaukee, Wisconsin; Detroit, Michigan, and Harvey, Illinois, as a die maker and machinist.

On June 17, 1931, Burger enlisted in the Michigan National Guard at Detroit, being a Private First Class. On October 21, 1931, he was honorably discharged inasmuch as he was returning to Milwaukee, Wisconsin, to live. He enlisted in the Wisconsin National Guard at Milwaukee November 26, 1941, and was honorably discharged June 1, 1933, when he returned to Germany. This discharge was forwarded to him in Germany at Augsburg by letter of September 30, 1933, by his Company Commander, based on a request of Burger in a letter of September 18, 1933. Burger possessed both the above-mentioned discharges at the time he landed in the United States June 13, 1942.

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At the time of Burger's return to Germany on the SS Hamburg in July, 1933, he was unemployed and therefore his transportation was paid by his parents. Upon his arrival in Germany at that time he resumed his connection with the NSDAP at Augsburg, Germany, later moved to Munich and finally was transferred to Berlin. While in Munich he was attached as Aide-de-Camp to the staff of Ernest Roehm, National Head of the Storm Troopers (S.A.), right-hand man of Hitler.

On June 30, 1934, Ernest Roehm was purged by Heinrich Himmler and Burger claims he then fell into disrepute with the NSDAP. At the time of the purge Burger had been assigned to the Medical Division of the Storm Troopers under Ketterer, who retained the confidence of Hitler. The Storm Troopers then were in very great disrepute and its membership subjected to many indignities, suspicions and arrests. Many of the members, however, remained loyal to the ideals of Roehm. Burger stated that it was at this time he decided to leave Germany as soon as he could devise a way to do so. Burger admits having taken part in street riots and killings involving the Communists in the early activities of the Party and also admits his participation in similar activities with the opposing faction of the NSDAP. He also admits the killing of at least one of the SS group who met him and called him a traitor, referring to the activities of the old SA group.

A short time later Burger became a writer for the Propaganda Bureau of the German Government and accepted assignments in Czechoslovakia, Austria and Poland. He submitted various reports as to the conditions in these areas and during the time he was in Poland submitted a report criticizing the Gestapo. He was arrested by the Gestapo on March 4, 1940, at Lipno, Poland, and thereafter was imprisoned in Poland and in Berlin for seventeen months. Upon his release July 22, 1941, he was forced to join the German Army.

Burger has stated that prior to these incidents he had offered his services to the Intelligence Division of the German High Command in Berlin for any type of service in the United States. He indicated it was his idea that he would thus get out of Germany with the further thought of opposing the German regime. After the declaration of war between the United States and Germany, he states he felt that he could possibly serve the United States inasmuch as he was a citizen.

After entering the German Army in 1941, Burger was assigned to guard prisoners of war at camps in the vicinity of Berlin. On April 5, 1942, he received a letter advising him to turn in his uniform and report to the office of the High Command in Berlin. At that time he met Lieutenant Walter Kappe, who, he learned, was head of the espionage and sabotage activities directed against the United States. Burger was assigned to the Army Headquarters at Brandenburg, Germany, and reported at the sabotage school April 11, 1942. It was at this place that he was first advised that he would be assigned to the United States for the purpose of engaging in sabotage and terroristic practices.

Memorandum

Burger attended school from April 13, to April 30, 1942. His knowledge of this course of training and all the details thereof indicates he was apparently a very good student during the training period. Thereafter he and the other members of the school were on vacation from May 1, to May 12, 1942, and on the latter date reported back to Berlin where they received additional instructions and were equipped with uniforms, explosives and devices prior to proceeding to Paris May 22, 1942.

On May 25, 1942, Burger and his associates left Paris and arrived at Lorient, France, May 27, 1942. The group of which Burger was a member was led by George John Dasch and departed from Lorient May 28, 1942, with the objective of landing on Long Island, New York. The other group of which Burger had knowledge was headed by Edward Kerling and departed from Lorient, France, May 27, 1942, with the objective of landing in Florida.

The saboteur group of which Burger was a member together with George John Dasch landed at Amaganset, Long Island, June 13, 1942. After purchase of clothing in Jamaica, Long Island, he and Dasch registered at the Governor Clinton Hotel, New York City. They met Heinrich Harm Heinck and Richard Quirin that afternoon at 3:00 p.m. at the Horn and Hardart Automat. They spent the night at the Governor Clinton Hotel and on Saturday night, June 13, 1942, Dasch first brought up the discussion as to the possibilities of disclosing the activities of the saboteurs to the authorities.

On Sunday, June 14, 1942, Dasch and Burger continued their discussions of this plan and as to what they should do. They overlooked a meeting which had been arranged for 1:00 p.m. with Heinck and Quirin. However, on Sunday night at 6:00 p.m. they kept the appointment at Grant's Tomb with Heinck and Quirin. Thereafter when returning from this meeting at about 7:50 p.m. Dasch made the call to the FBI office at New York. Burger was with him but did not hear the conversation.

They spent the night of June 14, 1942, at the Governor Clinton Hotel and on Monday, June 15th, they shopped for clothing and had dinner at the Iceland Restaurant where Burger again met Danny Doyle and Mike Larson; he, Burger, and Dasch having previously seen Danny Doyle on Saturday night, June 13, 1942, when they had dinner at the Iceland Restaurant. On June 15, 1942, they were together until 11:00 p.m. when Burger returned to the hotel to spend the night and Dasch departed, indicating that he was going to see some of the boys. Thereafter Burger did not know where Dasch was located from 11:00 p.m., June 15, 1942, until sometime after 7:00 am, the morning of June 17, 1942, which period of time Dasch spent, according to his claim, entirely at the waiters club playing cards.

Memorandum

On Tuesday, June 16, 1942, Burger, not being able to reach Dasch, met Heinck and Quirin at the Automat. At this time they advised they had been staying at the Hotel Martinique and had moved to 149 West 76th Street, a rooming house. On this date Burger purchased a Leica camera and equipment for \$180.

On June 17, 1942, Wednesday, shortly before noon, Burger again visited Heinck and Quirin at 149 West 76th Street. He made excuses for Dasch not being present and there was some feeling between them in that Quirin particularly resented the activities of Dasch.

On Thursday, June 18, 1942, Burger and Dasch had breakfast together and Dasch told him to visit Heinck and Quirin and that he, George, would probably leave for Washington in the afternoon. When he, Burger, returned to the hotel there were two letters at the desk for him, one his paid hotel bill and the second a note from George saying he was on his way to Washington. Thereafter he saw Heinck and Quirin again and told them that George had left and on this night he with Quirin went out and visited various night spots, after which Quirin returned to the Governor Clinton Hotel and was checked into Room 1422 for the night.

On Friday, June 19, 1942, Burger and Quirin had breakfast together and on Friday night he, Burger, visited Heinck and Quirin again when they had dinner and all then returned to Burger's room at the hotel. It was at this time that Heinck and Quirin found the letter from Dasch to Burger indicating he had gone to Washington. They read this but said nothing to Burger as to finding such letter. Burger spent the night in his room at the Governor Clinton Hotel.

On June 20, 1942, Saturday, he was in his room until 3:00 p.m. when he met Heinck and Quirin at the Rogers Peet store on Fifth Avenue and 43rd Street and then returned to his hotel where he was picked up by the Bureau at about 5:00 p.m.

With reference to situations wherein Burger may have been negligent in reporting his knowledge of the sabotage mission, it is to be noted that after the arrival of Burger in the United States, June 13, 1942, with his alleged determination to injure the Nazi Party, he did nothing to disclose the activities of the saboteurs until he was apprehended about 5:00 p.m., June 20, 1942, other than his discussion and agreement with George John Dasch that he, Dasch, would proceed to Washington and report the matter to proper authorities there. In extenuation of this situation Dasch indicated to Burger that he, Dasch, would take care of everything in connection with reporting this matter to the proper authorities.

Memorandum

In connection with the call made to the FBI Office in New York on Sunday morning, June 14, 1942, Burger advises that it was agreed between him and Dasch that Dasch would call the Office; that Dasch did call the Office and thereafter informed Burger that he had done so and that he was going to Washington on Thursday to see Mr. Hoover. Dasch pointed out that he had requested the individual he contacted in New York to make a record of the call and that he, Dasch, had given the name of Franz Daniel Pastorius in conformity with their agreement as to the manner of handling the situation. For this reason Burger assumed that Dasch was making the necessary arrangements in a proper manner. Burger further explained that Dasch did not call at the Bureau Office in New York as they had been advised at the German sabotage school that all FBI offices, with the exception of Washington, were being watched.

In connection with the delay in reporting anything while he, Burger, was standing by without knowledge of the location of George John Dasch from 11:00 p.m., June 15, 1942, to 7:00 a.m., June 17, 1942, Burger stated he was awaiting the action Dasch indicated he would take. He indicated that Dasch had suggested the plan to him in the first instance and he therefore followed Dasch, whom he respected more or less as a leader in the project.

In connection with situations which reflect favorably upon Burger, it is to be noted that when Burger was picked up and brought to the Bureau Office at New York, June 20, 1942, he answered fully and truthfully all questions put to him. He requested no promises or rewards for furnishing information, and he indicated in detail his knowledge of the NSDAP and his activities in Germany, as well as his reasons for being opposed to them. Burger's original statement of June 23, 1942, reflects in detail his personal history, his knowledge of the NSDAP, the full and complete identity of all persons connected with the sabotage plot, the full details as to the instruction he received and as to what he was to do in the United States, as well as to the details which would assist in locating the other saboteurs. Burger's statement is definite and clear cut. He did not endeavor to sell information for his own purposes and never made any suggestions as to any promises or rewards he expected for the information he furnished. His advice as to the other subjects and their possible activities and his individual descriptions were exact and were readily given. His descriptions and drawings of the devices were in detail and much more satisfactory than those furnished by other subjects, including Dasch.

During the trial of these subjects, whereas Dasch had refused to testify some time before the trial started and had definitely refused after counsel had been appointed for him, Burger agreed to testify for the Government notwithstanding the advice of the counsel appointed for him and despite his counsel's insistence that he should not do so. It is believed that if he had been requested to do so, Burger would have testified for the Government contrary to the advice of his counsel.

Memorandum

After the trial and subsequent to the imposition of the sentence, Burger remained very friendly and cooperative, whereas George John Dasch was very bitter and angry towards the FBI. For approximately eight weeks after the trial Special Agent Charles F. Lanman talked with Burger daily and Burger furnished in great detail information as to all matters which had been covered previously with him. At those times he also covered in detail questionnaires which were submitted by the British Intelligence, Military Intelligence and Naval Intelligence. These questionnaires covered numerous topics. Burger also prepared written accounts of various topics and at all times he endeavored to intelligently cover any subject matter which might be of interest to this country in its efforts against the Nazis.

During this time Burger also covered in great detail the organization of the NSDAP. He indicated he was a very well-informed individual and furnished considerable information which had not been brought previously to our attention. After his removal to the United States Penitentiary at Atlanta he was engaged for some time in translating the 1940 yearbook of the NSDAP, and he submitted biographical sketches of various leading members of the Nazi Party.

Burger has indicated that he realized the Bureau could do little else but prosecute him at the time he was apprehended during a sabotage mission. He has indicated he has faith in the Bureau and that he will receive just treatment. He has further indicated a desire to return to Germany after the war, in an under-cover capacity, where he has a large group of friends who are in the same position he was in prior to his departure from Germany and who are opposed to the Nazi Party. He believes that he could be of great value to the United States as he expects there will be a definite underground movement on the part of the Nazi Party to survive with the hope that they will eventually gain control in Germany again. He feels that through his associates in Germany he would be in a position to furnish information regarding the underground continuance and development of the Nazi Party.

In 1942, 1943 and 1944, Burger, without promise of reward of any kind, agreed to testify for the Government in the trials of various persons charged with treason at Chicago and New York, and as a result he testified in the following instances:

1. At the trial in Chicago of Hans Max Haupt and five others for treason in 1942.

Memorandum

2. At the trial of Helmut Leiner, treason, New York, 1943.
3. At the trial of Anthony Cramer, New York, for treason, 1943.
4. At the second trial of Helmut Leiner for trading with the enemy, New York, 1943.
5. At the second trial of Hans Max Haupt, treason, Chicago, 1944.

In the trials of these various subjects he testified truthfully and intelligently and was a very good witness although he was subjected to considerable harassment by defense counsel. This was a definite sacrifice upon the part of Berger inasmuch as his father, mother and wife are still in Germany. It is believed the services rendered by Burger in testifying in these various trials warrant considerable consideration as to his good intentions and as to the services rendered to the United States. It would have been difficult to present these treason cases and show the enemy character of the persons, namely the saboteurs, with whom the associates were charged with collaborating unless Burger had so testified. Dasch, it is to be noted, while he might have been agreeable to testifying, is of such an emotional high-strung character and of such an unpredictable nature as to make it impossible and impracticable to use him as a witness.

Memorandum

GENERAL

It is noted that both Dasch and Burger made claims they did not intend to carry out their sabotage mission. In his various statements Dasch explained at great length that when he arranged to come to the United States he intended to disclose the sabotage plot to officers of the United States and had no intention to commit sabotage. His objective was alleged to be merely injury to the Nazi regime with which he was not in agreement. He stated he considered Burger as possibly being a person who would agree with him before they left Germany; however, he did not approach Burger in Germany. He explained his position to Burger after their arrival in the United States on June 13, and 14, 1942, and Burger agreed with him, indicating that he, Burger, was definitely opposed to carrying out their instructions and was desirous of having the situation reported to the American authorities.

In connection with individuals indicated by both Burger and Dasch as persons who would be favorable to them and aware of their good intentions, the names of William Polk Von Schaible and Eva Chuetz were cited. With reference to Dasch, Von Schaible would not bear him out and, in fact, reacted against him. Burger's situation as disclosed by Eva Chuetz, alias Eva Schultz, was somewhat different. Burger had indicated that Miss Chuetz was aware of his desire to leave Germany in 1934, at which time they lived at the same rooming house in Berlin, Miss Chuetz then being secretary to the Chief of the Associated Press Bureau. Burger stated he was quite friendly with Miss Chuetz and advised her of his desire to leave Germany in 1934, at which time he had requested her assistance or the assistance of her friends in helping him escape from Germany. When interviewed concerning these matters, Miss Chuetz first stated she did not know Burger very well but had spoken to him once or twice on unimportant matters. On a second interview she indicated she knew of Burger's being involved in the Communist riots and various conflicts in Germany prior to the Nazi regime and that he had been in the Nazi Party from its beginning. She further stated that Burger had indicated how much he loved America, which he considered the only place in the world in which he really wanted to live. Miss Chuetz indicated she was not particularly fond of Burger, but that he was a very agreeable and pleasant person. She seemed particularly anxious that her name not become

Memorandum

involved in the trial of this case in July, 1942, and it is possible that her version of her association with Burger is somewhat colored by her fear of becoming involved in publicity because of her job with the Associated Press.

It appears that Burger probably had more justification for his hatred towards the Nazi Party and in particular the Gestapo because of his treatment and imprisonment. Dasch, however, could point to no particular undesirable action taken against him while he was in Germany. He has never admitted, as is suspected, that he is a Communist, which might justify his hatred for the Nazi officials.

In conclusion, it is to be noted that either or both Dasch and Burger could have quietly disappeared with the \$82,550 they possessed after their arrival in the United States and without advice to anyone if they had been interested only in self-saving purposes. However, as to this, fear may have had considerable to do with their failure to take such action, either by reason of their fear of possible consequences in the United States, or retaliatory action by the German officials.

30 OCT 1947

JAGJ 1946/1139

30 OCT 1947

MEMORANDUM FOR: CHIEF, CIVIL AFFAIRS DIVISION
(ATTN: Colonel Peters, Room 4B83, The Pentagon) 2907

SUBJECT: Dasch and Burger German Saboteurs

In accord with the informal agreement between Colonel Peters and Lt Colonel Voorhis, there is attached a draft of a letter prepared for the signature of General Noce, directed to General Clay with respect to the above-entitled matter. This letter has been prepared in accord with the directive of the Special Assistant to the Secretary of the Army as contained in his memorandum dated 18 September 1947, a copy of which is attached.

FOR THE JUDGE ADVOCATE GENERAL:

Signed

2 Incls

1. Memo of Kenneth D. Johnson, 18 Sep 47
2. Draft of ltr to Gen. Clay, w/5 incls

HUBERT D. HOOVER
Brigadier General, United States Army
Assistant Judge Advocate General

*Shipped
by
Mrs. Tanna
and hand
carried*

*Automatically Regaded UNCLASSIFIED
Authority E.O. 12065*

Voorhis, NR/mrc

1013021 VH

DOOLITTLE, W.B./WLC

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Department of the Army
I.A.G.O.

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3. DIST. OF ICL TO GEN. STAY,
TOMLINSON, 12 SEP 61
1. MEMO OF KENNEDY D.
5 INCL 2

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FROM THE JUDGE ADVOCATE GEN. STAY:

is attached.
as contained in the memorandum dated 12 September 1961, a copy of which
with the directive of the Secretary Assistant to the Secretary of the Army
and above-mentioned report. This report was also placed in a copy
the signature of General Rose, directed to General Stay with respect to
to Colonel Doolittle, there is attached a draft of a letter prepared for
in accord with the treaty agreement between Colonel Peters and

SUBJECT: Peace and Border German Separation
(VLM: Colonel Peters, Room 1003, the Pentagon)
REFERENCE FOR: CHIEF, STAFF, ARMY, WASHINGTON

W.B. DOOLITTLE

~~CONFIDENTIAL~~

NOV 1 1961

Dear General Clay:

Ernest Peter Burger and George John Dasch are two of eight saboteurs who landed from German submarines on the Atlantic coast of the United States in 1942. All were apprehended, tried by a military commission appointed by the President, and convicted of violations of Articles of War 81 and 82 and of conspiracy to commit these offenses. Petitions for writs of habeas corpus were denied by the Supreme Court of the United States (Ex parte Quirin, 317 U.S. 1).

Dasch and Burger reported the presence of the groups to the Federal Bureau of Investigation and disclosed facts and information sufficient to support the convictions. In consideration of their activities in bringing about the apprehension and conviction of their six co-saboteurs, discussions have been in progress between the Department of the Army and the Department of Justice looking toward their release from confinement. The position of the Attorney General is expressed in the concluding paragraph of the Memorandum of the Assistant Solicitor General dated 8 October 1947 (Incl 3).

It is now contemplated that, with the concurrence of the Department of the Army and the Theater Commander, the Attorney General will recommend that the President direct that Dasch and Burger be returned to military custody, be transported to Germany and, upon arrival in that country, be released from confinement.

In furtherance of this proposal the Assistant Solicitor General has inquired:

"(1) Whether Dasch would be a security problem in the American Zone of Occupied Germany if he were released there unconditionally and not under parole, and (2) whether Burger would be given employment by the American Military Government in counter intelligence work, or other employment for which he is fitted."

A copy of the Assistant Solicitor General's request dated 17 September 1947, is inclosed (Incl 1). The Assistant Solicitor General has been advised that his inquiry will be answered after receipt of your comments and recommendations.

I am attaching summaries of the activities of these men and other statements (Incl 2-5) which I hope will give you sufficient information and background to comment upon and answer the inquiry of the Assistant Solicitor General.

Sincerely

General Noce

5 Incls (in dup)

1. Copy ltr 17 Sep 47,
Asst Solicitor Gen to
Sp Asst S/A
2. Summary of Info, MID, 23 Oct 47
3. Memo from Asst Sol Gen to Col
Voorhis, 8 Oct 47
4. Copy Memo from Dir FBI to Atty
Gen, 28 Oct 44
5. Copy memo from Actg Dir Bureau
of Prisons to Sol Gen, 4 Aug 47,
w/copy incls

September 18, 1947

Memorandum for Record:

Subject: Dasch and Burger, German Saboteurs

Lt. Col. Nicholas R. Voorhis, JAGC, called this morning with the attached letter from Assistant Solicitor General George T. Washington in further reference to Dasch and Burger (German saboteurs).

After a rather detailed discussion with Colonel Voorhis he and I agreed (1) a full summary of these cases is to be prepared, initially by G-2, for the purpose of forwarding it to General Clay. This summary is to be written on the theory that General Clay has absolutely no knowledge of any of the facts. (2) A letter will be sent to General Clay by General Moe, enclosing the summary and a copy of the letter I received from Mr. Washington dated 17 September 1947, requesting General Clay's comments and recommendations for reply to Justice. (3) An interim reply to the attached letter will be given informally by Colonel Voorhis to Justice to the effect that this letter has been received, that we are consulting with General Clay and that upon advice from him will send a firm answer to the attached letter.

/s/ Kenneth D. Johnson

Kenneth D. Johnson
Special Assistant to
the Secretary of the Army

KD/es

Encl 1

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September 17, 1947.

Mr. Kenneth D. Johnson,
Special Assistant to the Secretary of War,
War Department,
Washington, D. C.

Dear Mr. Johnson:

Referring to your recent letter in regard to George
John Dasch and Ernest Peter Burger:

We have discussed with Colonel Voorhis the problems
raised by the possible return of these men to Germany.
It would be helpful if this Department could be definitely
advised as to the attitude of the War Department respect-
ing (1) whether Dasch would be a security problem in the
American Zone of Occupied Germany if he were released there
unconditionally and not under parole; and (2) whether
Berger would be given employment by the American Military
Government in counter intelligence work, or other employ-
ment for which he is fitted.

Sincerely yours,

/s/ George T. Washington,
/t/ Assistant Solicitor General.

McGee file *6-6*

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON
UNITED STATES ARMY
WASHINGTON

August 19, 1942

~~SECRET~~

SUBJECT: Report of Brigadier General Albert L. Cox, Provost Marshal of the Military District of Washington, in re German Prisoners Ernest Peter Burger, George John Dasch, Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel.

TO: The President and Commander-in-Chief of the Army and Navy, Washington.

At the request of Major General Myron C. Cramer, Judge Advocate General, United States Army, I met him in his office at the National Guard Armory at 2:00 p. m. on July 2, 1942, and was then informed that the Secretary of War directed me to receive from the Federal Bureau of Investigation, Department of Justice, and keep in custody until further ordered the above named prisoners. I asked for a written order and was told that such would be delivered to me. I then made immediate personal investigation of the facilities at the District of Columbia Jail and satisfied myself that the safest place for confinement of the prisoners would be in the District Jail. I then called on J. Edgar Hoover, Director of the Federal Bureau of Investigation to discuss details of the transfer of the prisoners and to obtain such information as I could with respect to their individual characteristics. I also discussed with Mr. Hoover the place of trial for the prisoners and the arrangements which would be made to insure protection for the Commission and those attending the trial, as well as for the enforcement of secrecy for the proceedings. I perfected my arrangements for receipt of the prisoners at the District Jail on the afternoon of July 3rd and likewise was handed a copy of the order of the Secretary of War with respect to my custody of the prisoners.

I established a proper guard in and about the Jail at 6:00 p. m. on July 3rd, and at 8:00 a. m. on July 4th I received from the FBI the prisoners in question. The prisoners were immediately taken by members of my guard to a cell block over which I exercised entire control. Each prisoner was physically examined by Colonel M. F. DuFrenne, Medical Corps, and at the same time was asked if he had any complaint to make about his treatment or about his physical condition. All replied in the negative except one prisoner, who claimed that on account of food disagreeing with him his stomach had been giving him trouble for two or three days. This condition was easily and promptly corrected. The prisoners were given prison clothing, confined in individual cells, and proper precautions were taken to

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prevent their escape and to prevent their doing harm to themselves. The prisoners were confined in the original cells, except for the time they appeared before the Military Commission, until final disposition was made of them.

I arranged with the United States Marshal of the District of Columbia and with the Major and Superintendent of Metropolitan Police, for transportation of the prisoners to and from the Department of Justice, where the Military Commission held its sessions. I provided for an escort for the prisoners to and from the Department of Justice so that there would be no interruption, and further no delay, incident to traffic, breakdowns, or other causes.

The Military Commission had its first meeting on the morning of July 8, 1942. An entire corridor of the Department of Justice building had been set apart for the purposes of the trial, and no access to the corridor was permitted at any time from July 7th until the sessions of the Commission were finally closed and it had vacated the rooms set apart for its use. The prisoners were taken into the basement of the Department of Justice, and there taken into elevators which were specially reserved for the use of those engaged in the trial, and from the elevators into the corridor above described.

The hearings of the Commission were conducted without incident, there was at no time anything approaching any disorder or disturbance, and the conduct of the prisoners while in my custody, as to each one, was exemplary. The prisoners were permitted to see their counsel, but no one else. They were furnished with cigarettes and with old magazines and old books. They were not permitted to converse with each other or with their guards.

During the time that the trial of the prisoners by the Military Commission was interrupted by the hearing on Petitions for Writs of Habeas Corpus presented to the Supreme Court of the United States, the prisoners remained in their cells. The announcement of the decision of the United States Supreme Court by the Attorney General of the United States, at the request of the President of the Military Commission, in open session of the Commission, was received by the prisoners without any outward show.

On August 5, 1942, at the request of Major General James C. Magee, the Surgeon General, United States Army, I permitted representatives of his office to obtain specimens of blood of each of the eight prisoners. The prisoners consented to this.

At 10:20 a. m. on Tuesday, August 4, 1942, Major General Myron C. Cramer, The Judge Advocate General, 'phoned me and asked me to meet him at the office of Oscar Cox, Assistant Solicitor General. Taking Major Thomas M. Rives with me, I reached the office of Mr. Cox about 10:35 a. m., where I found General Cramer, Colonel John M. Weir, Mr. Oscar Cox, FBI Agent D. M. Ladd, Assistant Solicitor General N. A. Townsend, and a young lady stenographer.

Mr. Cox informed me that the President would order the execution by electrocution of the prisoners Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel, and that the other two prisoners, namely Ernest Peter Burger and George John Pasch, would be sentenced to life imprisonment and thirty years imprisonment respectively, and that the order of the President would direct me to carry out the execution of the six prisoners. He further stated that while I would not receive the order until sometime Thursday afternoon, August 6, 1942, the President desired and would order the execution of the prisoners after midnight on Thursday, August 6th, and that I should make the necessary plans for carrying out the sentences. I explained the details which would be necessary, the employment of executioners, two to be paid \$50 each, and the other two \$25 each for each person executed, the necessity for arranging for additional electric current, obtaining a Chaplain for each man to be executed, official witnesses for the execution, medical officers, the preparation of the prisoners, and various other essential details. I stated that if the prisoners were to be executed immediately after midnight, I should inform them of their sentences at 7:00 p. m., or five hours preceding the time of execution, at which time I should have medical officers and Chaplains present. I also stated that arrangements would have to be made with the District Commissioners for the use of the facilities necessary to carry out the executions and arrangements would have to be made with the Commanding General of the Army Medical Center to take care of the bodies after the executions. I was told that I should make my arrangements, as the order would be given to me in ample time.

With the assistance of Colonel M. F. Jufrenne, senior medical officer at Fort Myer, and Major Thomas M. Rives, all arrangements were perfected to carry into execution the wishes of the President as outlined above. About 12:30 p. m. on Wednesday, August 5th, I 'phoned Mr. Oscar Cox to ask if the order of the President could be obtained. He stated to me that he was then making arrangements to go to the White House. I remained at my office until 6:10 p. m. waiting for the order and then proceeded to my home. Upon arriving there at 6:35 I called the White House and talked to Judge Rosemond, who stated that Mr. Cox was with him and that Mr. Cox would advise me later with reference to the order. In the meantime, Colonel John M. Weir, the Assistant to the Judge Advocate General, had called me to tell me he was waiting in his office to get word from me with reference to the order and that he would remain there until he heard from me further. Arrangements made for the executions had been perfected and Colonel M. F. Jufrenne, Major Thomas M. Rives, six Chaplains, and the other necessary personnel were assembled at the Jail awaiting orders from me. At 7:10 p. m., Mr. Cox called to tell me that the order for the executions would not be issued by the President until sometime the following day. I thereupon notified Major Thomas M. Rives at the Jail that the executions would not take place as scheduled, that he was to so inform the medical officers, Chaplains, and others, and to

impress upon each one the continued necessity for the greatest secrecy, and that they would be notified when to again make their appearances. I then called Colonel John M. Weir to notify him that the order would not come out until the next day.

On Friday, August 7th, in response to a telephone call from Captain J. L. McCrea, Naval Aide to the President, and taking Major Thomas M. Rives with me, I met Captain McCrea at the south entrance to the White House about 1:10 p. m. Captain McCrea handed to me the President's order and stated that the exact hour for the executions would be later given me, probably during the evening. As a result of my discussion with Captain McCrea, I arranged for the necessary personnel to be assembled at the District Jail at 7:00 a. m. on Saturday, August 8th. About 10:25 p. m. on Friday, August 7th, I was called by telephone at home by Captain McCrea, who told me that the President ordered the executions to take place at noon on Saturday, August 8th. I conveyed this information to Major Thomas M. Rives at his home.

At 6:45 a. m. on Saturday, August 8th, I entered the District Jail and found there Colonel M. F. DuFrenne, Major Thomas M. Rives, 1st Lt. J. M. Gannish, Medical Corps, and Chaplains J. C. W. Linsley, E. A. Gracey, W. B. Adams and Thomas Midura. Chaplains Frederick Frommhaugen and Vincent Mallifské came in shortly afterwards. I assembled the Chaplains and gave them their orders. I ascertained from Colonel DuFrenne and Major Rives that all arrangements had been made.

Beginning at 7:30 a. m., in the presence of Colonel M. F. DuFrenne, Major Thomas M. Rives, and a Chaplain, I notified each of the six prisoners of the findings and sentences of the Military Commission and the order of the President that the sentences be executed that day, and left with each prisoner a Chaplain, as follows:

With Herbert Hans Haupt	--	Chaplain W. B. Adams
With Heinrich Harm Heinck	--	Chaplain Vincent Mallifské
With Edward John Kerling	--	Chaplain E. A. Gracey
With Hermann Otto Neubauer	--	Chaplain Thomas Midura
With Richard Quirin	--	Chaplain Frederick Frommhaugen
With Werner Thiel	--	Chaplain J. C. W. Linsley

I then notified George John Dasch of the findings and sentence of the Commission and of the order of the President commuting his sentence to thirty years imprisonment, and to Ernest Peter Burger. I likewise communicated the findings and sentence of the Commission and the order of the President commuting his sentence to life imprisonment.

I then made an inspection of the rooms and corridors through which the prisoners would be taken to the death cells and Execution Chamber, and gave orders that all rooms and corridors through which

they were to pass should be cleared at 10:00 a. m. I also arranged that there be no passage to and from the Jail after 10:00 a. m. until I permitted it, and also that there be no communication by telephone out of the Jail except on official business.

At 10:00 a. m. I had the prisoners taken from their places of confinement to the death cells. Upon their arrival at the cells the prisoners were prepared for the execution by having their heads clipped and partially shaved and their right trousers legs slit.

At 12:01 p. m. Herbert Hans Haupt was taken into the Execution Chamber, the current was applied at 12:03, and at 12:11 he was pronounced dead by Colonel M. F. DuFrenne, by Lt. J. M. Dannish, and by the District of Columbia Coroner, Dr. A. Magruder MacDonald.

Heinrich Harm Heinck was taken into the Execution Chamber, the current was applied at 12:18½, and at 12:21 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Edward John Kerling was taken into the Execution Chamber, the current was applied at 12:27, and at 12:31 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Hermann Otto Neubauer was taken into the Execution Chamber, the current was applied at 12:38, and at 12:42 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Richard Quirin was taken into the Execution Chamber, the current was applied at 12:47½, and at 12:54 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Werner Thiel was taken into the Execution Chamber, the current was applied at 12:59½, and at 1:04 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

After each execution, the remains of the deceased were taken to a room in the basement of the Jail, where all the remains were assembled under guard.

At 1:25 p. m. two ambulances from the Army Medical Center were driven into the courtyard of the Jail. About 3:30 p. m., the bodies of Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel, in charge of Colonel DuFrenne and Major Pives, were taken and delivered to the Morgue at Walter Reed Hospital.

At 1:12 p. m. I telephoned Captain McCrea and told him that the President's order had been accomplished, beginning at 12:01 p. m. and being concluded at 1:04 p. m. At 1:22 p. m. Captain McCrea telephoned me to say the President had issued his release and that those assembled at the Jail would be permitted to leave.

Before the executions, I had assembled the military personnel and had issued to them a direct order that there be no discussion, nor any divulging of anything that took place pertaining to the executions. Before the executions, I had also assembled the Jail personnel who were to have any part in the executions as executioners, as guards, as witnesses, or otherwise, and required and gave to them an oath that they would not discuss or divulge anything pertaining to the executions.

At the conclusion of the executions, I did not permit any person to leave the execution area of the Jail until I had communicated with Captain McCrea and he had called back to say that persons would be permitted to leave the Jail. After Captain McCrea called back, I again assembled all personnel and cautioned them as to the necessity for the utmost secrecy and told them I was not making a request, but was issuing an order and command in the name of the President of the United States, that the obligation of secrecy should be obeyed until the President released them from such obligation. I then again issued a direct order and command to the military personnel to the same effect.

The announcement by me to the prisoners of their sentences was a considerable shock to all of them, with the possible exception of Ernest Peter Burger, who gave no indication of any shock or surprise. The immediate presence of a spiritual adviser was of great assistance to the prisoners and enabled them to maintain their composure. The Chaplains remained with the prisoners from the time I announced the sentences to them until they were each pronounced dead. Each Chaplain accompanied the prisoner to whom he had been assigned into the Execution Chamber and remained with him while the sentence was being carried out.

In the Execution Chamber, in addition to the prisoner and the Chaplain, were the executioners, and Major Rives, Colonel DuFrenne, Lt. Dannish, and Dr. MacDonald. Witnesses to each execution were Colonel Raymond Dailey, Captain Herbert B. Mayer, Mr. Ray L. Huff, Superintendent of D. C. Penal Institutions, Mr. E. A. Green, Superintendent of the District Jail, Claude O. Botkin, Superintendent of the D. C. Reformatory, and an officer and four enlisted men from the prisoners' guard.

The walk from the prisoners' place of confinement to the death cells is quite long and necessitates the ascending and descending of several flights of steps. Precautions were taken to carry any prisoner in the event he should collapse. This was not necessary, as every prisoner walked to the Execution Chamber without aid, except such as was necessarily given him by the two guards who conducted him. The prisoners made no outcry of any sort and conversed with no one except the Chaplains assigned. There was no demonstration and the executions were effected without delay and without any disturbance of any sort. Some of the prisoners wrote letters, which the Chaplains handed to me and which I, in turn, delivered to FBI Agent D. M. Ladd for such disposition as was proper.

The prisoners George John Dasch and Ernest Peter Burger were kept in custody by me until 3:00 p. m. on August 14th, when they were delivered by me, under proper authority, to James V. Bennett, Director, Bureau of Prisons, Department of Justice.

The prisoners had no personal possessions other than the clothes they wore and a few toilet articles when they were delivered to me. After the execution of the prisoners Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin, and Werner Thiel, their clothing and their toilet articles were destroyed by incineration.

Permit me to invite to your attention the full cooperation and splendid aid given me by the Commissioners of the District of Columbia, by my Assistant, Major Thomas M. Rives, by the penal authorities, by the Federal Bureau of Investigation, by the Medical Officers, by the Chaplains, by the military guard, by the United States Marshal of the District of Columbia, and by the Superintendent of Metropolitan Police.



ALBERT L. COX
Brigadier General, U. S. Army
Provost Marshal
Military District of Washington

JAGJ 1946/1139

The President

The White House

My dear Mr. President:

The Department of Justice desires to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage

R. L. VOORHIS, NR/abh

The President

or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany, the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

Secretary of the Army, Kenneth C. Royall, was one of the counsel for some of the defendants before the military commission, and therefore, does not wish to participate in any way in the matter at its present stage. However, I have been advised that the Department of the Army interposes no objection to this recommendation.

Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. A form of directive to the Attorney General and the Secretary of the Army is herewith submitted for your signature in the event that the recommendation has your approval. A form of a press release is also inclosed for your consideration.

Respectfully yours,

- 2 Incls
1. Form of Directive
2. Form of Press Release

TOM C. CLARK
Attorney General

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MEMORANDUM

GEORGE JOHN DASCH

This subject was born on February 7, 1903, at Speyer-on-the Rhine, Germany, and first entered the United States on October 12, 1922, at Philadelphia, Pennsylvania, as a stowaway on board the SS Schoharie. On September 26, 1923, by payment of a head tax, Dasch legalized his entry and obtained Seaman's Identification Card #414243, dated on that day at New York City. It is of interest to note that in making the foregoing application Dasch falsely stated that he had arrived as a passenger via the SS Mount Carroll on October 4, 1922. However, after leaving the United States as a messman on board the SS Mount Clay, he re-entered the United States from Hamburg, Germany, on the same vessel at New York City on November 12, 1923.

Dasch visited Germany from March 6, 1930, to May 26, 1930; from November 5, 1930, to March 15, 1931, and from the Fall of 1931, to January 4, 1932. He again left the United States on March 27, 1941, under the circumstances hereinafter related.

While in the United States Dasch was employed at various places throughout the United States, principally as a waiter, and resided in New York City, San Francisco, California; St. Louis, Missouri and Chicago, Illinois. He was very active in the Local Waiters Union in Westchester County, New York belonging to a faction which was opposed to the officials of the union. On one occasion he had sought the presidency of the local and on another he had endeavored to organize a separate union. It was also reported that Dasch had attempted to transfer the affiliation of the local to the CIO.

He frequented a club operated by one Joseph Mayer, at 121 West 49th Street, New York City, New York, known as the Certified Hotel and Restaurant Executives Association, where most of his time was spent in gambling. Waiters and customers of this club, some of whom had known Dasch for five years, furnished the information that Dasch was admittedly a Communist and one of the waiters, Abraham Reicher, reported this information to the New York Field Office of the FBI. Dasch reportedly told the above individuals that he was going to Russia, via Japan, where he had a brother who occupied a good position in the Communist Party and that upon his return to the United States the fireworks would start. Dasch indicated that he believed in Communist principles and was opposed to the Nazis. With further regard to his brother, Dasch on other occasions stated that he was a manager of Russian oil fields and that his brother resided in Moscow.

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Dasch allegedly filed an application for citizenship in the Southern District of New York about July, 1923, and on June 22, 1939, he filed a petition for naturalization in the same district. The basis of this petition was his marriage on September 18, 1930, to Rosemarie Guilli, an American citizen born on December 31, 1905, at Walston, Pennsylvania. This petition was denied, however, because of his failure to appear for final hearing and in this regard it may be noted that Dasch returned to Germany on March 27, 1941, prior to the expiration of two years from the date of the petition.

Upon subsequent examination by representatives of the FBI concerning his failure to file a petition prior to 1939, Dasch explained that he had never remained long enough in one place to acquire the necessary residence. He also called attention to the fact that on August 9, 1927, he had enlisted in the United States Army, believing that he had automatically become a citizen. However, when he found out differently, Dasch, while then serving with the Army Air Corps, in Honolulu, Hawaii, purchased his discharge and on September 18, 1928, was discharged at San Francisco, California.

Concerning Dasch's sincerity in attempting to become a citizen of the United States, it is of interest to note that according to a confidential source, Dasch told the German Consul at New York City that he had disregarded a summons to take the oath of citizenship because of his intention to return to Germany. He is also alleged to have said that since Germany had gone to war in September, 1939, it would not be patriotic to renounce his German citizenship at such a time. Dasch had been meeting with the German Consulate at New York City for some time prior to his departure for Germany on March 27, 1941, representing himself to be a good German. The Consulate arranged to pay the passage of both Dasch and his wife to Germany and after obtaining German passports he left from San Francisco, California, on March 27, 1941, on the SS Tatuta Maru, arriving at Yokahama, Japan, on April 11, of that year. He left Tokyo, Japan, on April 22, 1941, and after passing through Manchuria and Russia, finally arrived at Malkamia, Poland, which was then a part of Germany, on May 13 of the same year. Relative to the attitude of Dasch toward the United States during this period, it might be mentioned that while in San Francisco he met one J. Neil Stebbins who later described Dasch as seemingly overjoyed and enthusiastic at the prospect of returning to Germany and assisting in the war effort. He referred to the fact that he had served in the United States Army Air Corps and that he anticipated the United States would shortly enter the war against Germany. Dasch indicated a belief in Hitler's New Order and told Stebbins that if he was unable to succeed in Germany he would kill himself. Stebbins also learned from Dasch that the German Consulate in New York City was paying his passage to Germany.

Concerning his activities in Germany, Dasch has advised that upon his arrival in Berlin on June 3, 1941, he met Lieutenant Walter Kappe who was purportedly assigned to the Intelligence Division of the German High Command and engaged in the direction of sabotage abroad. Kappe arranged for Dasch's

Memorandum

employment in the German Foreign Office as a monitor of foreign language broadcasts and later suggested that Dasch participate in sabotage operations in the United States. At Kappe's request Dasch prepared a detailed memorandum as to how such operations could be best accomplished. Thereafter Dasch, as of February 27, 1942, terminated his connection with the Foreign Office and was engaged in conferences with Kappe and other officers of the High Command relative to prospective sabotage in the United States. Eventually he was assigned to the sabotage school at Quentz Lake, Brandenburg, Germany, where he was subsequently designated as the leader of one of the two missions. In connection with the plan for departure of the missions to this country, Dasch was the most active member of the sabotage group in planning for departure to the United States. Upon completion of the schooling the saboteurs proceeded to Lorient, France, from which place a group under the leadership of Edward Kerling left by submarine on the night of May 27, 1942. The group led by Dasch left from the same place on the succeeding night and landed at Amagansett, Long Island, on the early morning of June 13, 1942.

The family of Dasch consists of his Mother and Father, residing in Speyer, Germany; three sisters who are also residents of that country; four sisters in Switzerland; one sister in Mexico; one sister and one brother in the United States and a brother in the German Navy. In addition to such deductions as may be drawn from the above-related background and activities of Dasch, the following facts bearing upon his good faith in reporting the sabotage missions to the FBI are being set forth.

Following the arrival of his group at Amagansett on June 13, the four members left by train about 7:00 a.m. for Jamaica, Long Island, where they divided themselves into two groups, one composed of Burger and Dasch and the other of Heinrich Harm Heinck and Richard Quirin. Thereafter Dasch and Burger registered at the Governor Clinton Hotel in New York City while Heinck and Quirin took up residence at the Martinique Hotel in the same city. Dasch claimed that on the following day, June 14, 1942, he and Burger discussed the possibility of disclosing the saboteurs to the FBI according to plans which Dasch had previously formulated. He and Burger allegedly agreed that Dasch would report the landing and that the entire situation would be handled by Dasch.

In pursuance of the plan thus devised, Dasch telephonically contacted the New York Field Office of the FBI about 7:50 on the evening of June 14, 1942, identifying himself as Franz Daniel Pastorious. He said that he was going to Washington, D. C., on the following Thursday or Friday and that he wished Mr. Hoover or his representative to be advised of the fact that he planned to see him. No reason was given by Dasch for the desired interview with Mr. Hoover and there was nothing in his conversation to associate him with the saboteurs. When Dasch was subsequently interrogated by an Agent of the FBI concerning his failure to immediately report his landing in order to make possible the apprehension of the Kerling group at Jacksonville, Florida, on June 17, 1942, Dasch

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indicated that while he would not hesitate to report any of the saboteurs, he did not wish any harm to befall crew members of the submarines since they were merely doing their duty. In this regard it is noted that according to his own admission Dasch had anticipated that the Kerling group arrived in Florida on June 15, or 16, 1942.

On Monday, June 15, 1942, Dasch went to the club operated as afore-said by Joseph Mayer at 121 West 49th Street, New York City, where he played cards continuously until 7:00 a.m. on June 17, 1942, when he returned to the Governor Clinton Hotel. During the time of his card playing Dasch indicated to some of the individuals in attendance that he was desirous of losing money. However, he apparently won and paid the bills of the other men and presented gifts to one or two others. After spending the night of June 17, 1942, with Burger at the hotel he departed at 2:30 p.m. on the following day and arrived at Washington about 7:00 o'clock on that evening.

On the morning of June 19, 1942, Dasch called the United States Government Information Bureau and attempted to be placed in communication with a representative of the Army Intelligence. When this contact could not be effected, Dasch called the FBI at approximately 10:00 a.m. He was picked up about half an hour later and brought to the Bureau for questioning.

Dasch delayed the furnishing of vital information desirable to the location of the other saboteurs who were at large in the United States at that time by insisting upon the dictation of his own statement. He was very arbitrary and wilful in his manner and it wasn't until the late night of June 19, that he divulged the exact location of Burger.

With further regard to the hesitance of Dasch in furnishing pertinent information, attention is called to the fact that he disclaimed knowledge of the formula necessary in bringing out the secret writing on the handkerchief which was in his possession. However, after 48 hours he admitted that the solution was ammonia. Had he given the desired formula immediately the Bureau would have learned that his contacts in the United States were Helmut Leiner, Astoria, Long Island, the Reverend Carl Krepper, Rahway, New Jersey, and Walter Forehling of Chicago, Illinois.

For several days Dasch disclaimed any knowledge of the identity of Werner Thiel, insisting that he know of this individual only under his alias William Thomas. In this regard it is noted, however, that as a matter of fact Dasch had returned to Germany with Thiel on May 27, 1941, from San Francisco, via Japan and Russia.

In the early stages of his questioning, Dasch attempted to give the impression that he was a good German whose purpose was to help Germany by frustration of the activities of Hitler and the Nazi Party. However, when it

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was later made clear to him that he would not be permitted to dictate plans for the handling of this case, he endeavored to give the impression that his chief interest in reporting the saboteurs was an effort to assist the United States.

About July 1, 1942, Dasch indicated a willingness to cooperate in keeping the facts of this case from Germany by pleading guilty, but thereafter he refused to do so even through a plea would have helped to protect his parents. He had originally indicated a desire to protect his parents, but upon stating that he would not plead guilty he remarked that his parents would have to "take care of themselves."

During the trial Dasch refused to appear as a witness for the Government, this being a reiteration of a position which he had taken some time prior thereto while still at New York City. However, it should be borne in mind with regard to his refusal that his appointed counsel had advised him not to plead guilty.

The following facts would appear to reflect favorably upon the good faith of Dasch. Attention is first directed to the fact that Dasch did notify the Bureau of the arrival of the saboteurs in the United States.

It is also noted that generally speaking Dasch continuously displayed a cooperative attitude during the course of interrogation by representatives of the FBI and from time to time volunteered information which proved to be of value.

He readily identified pictures of Lieutenant Walter Kappe and Rheinhold Barth, both of whom, as members of the General Staff of the German Army, had participated in his recruitment. Dasch provided information as to the operations of these individuals and as to the operations of the German Intelligence generally.

Recently Dasch assisted an Agent of the FBI in devising a pretext for use in an espionage case. His ability to render this assistance was the result of his experience in Germany and the pretext, upon being subsequently used, was very effective.

As to persons who would vouch for his pro-American sympathies and intentions while in Germany, Dasch designated one William Polk Von Schaible. However, on the whole the information later obtained from this individual was unfavorable to Dasch. Von Schaible, an American citizen, was in Germany at the outbreak of the war and had spent considerable time in that country. From August 1, 1941, to January 6, 1942, Dasch and Von Schaible were both engaged by the German Government as monitors of foreign radio broadcasts at Wannsee, a suburb of Berlin. Von Schaible claimed that he, Von Schaible, was suspected

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by the Gestapo of being an agent of the United States and as a result he was on many occasions subjected to harsh treatment. However, Von Schaible was eventually repatriated to the United States and arrived at New York City on June 1, 1942.

When questioned relative to his knowledge of Dasch, Von Schaible said that most of his information had been obtained from his secretary, Miss Ruth Leonhardt, who had been very friendly with Dasch during the period of their joint employment at Wansee. Von Schaible described Dasch as being overly zealous in his work, as indicated, for example, by the fact that he had declined to take advantage of a vacation during the holidays of Christmas in 1941.

Von Schaible further advised that Dasch had indicated a desire to become a member of the German Intelligence and in August, 1941, shortly after their meeting, he had told Von Schaible that he expected to come to the United States on an intelligence mission for the German Government. Dasch inferred that he and his group would gain entrance to this country off the coast of Florida by means of a fishing boat. His purpose in doing this, Dasch said, was to help the cause. Previous to his reference to the United States, Dasch had indicated that he intended to be dropped in Ireland by parachute.

Von Schaible also stated that during a conference with Dasch and Colonel Ristine, Attorney for Dasch, at Washington, D. C., Dasch had stated that he had seen the girl who ran Von Schaible's house in Germany after the latter's departure. With regard to this statement of Dasch, Von Schaible remarked, "I think he knew exactly that when I got back to this country I would make a report on him as soon as I could. He is so melodramatic. On the other hand, I couldn't quite believe that he had met this girl because I had told her not to tell anyone where I was. He must have been awfully persuasive."

Continuing, Von Schaible stated, "I feel that the fact that Dasch learned I was returning to the United States may have caused him to reach a decision to divorce himself of this sabotage plan. According to my information it was four days after I left that he learned of my departure. He said that he had been there on the 19th. Dasch told me during our interview in Washington that he had met William Linge on May 19, and had become cognizant of the fact that I was on my way to the United States. In all probability Dasch would not have been able to contact my housekeeper until the 20th, at which time I had crossed the Spanish-French border."

Von Schaible was called as a defense witness in the trial before the Military Tribunal and was interviewed by Colonel Ristine separately as well as in the presence of Dasch. An effort was made to have Von Schaible testify that as a result of his experience and association with Dasch in Germany, he

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had formed the opinion that Dasch was not a Nazi and further that Dasch had exhibited pro-American sympathies. Von Schaible allegedly refused to testify in this manner and told Dasch that he considered the latter to be a good German who would do anything for Germany. Presumably as a result of these interviews Von Schaible was not called as a defense witness.

MEMORANDUM

ERNEST PETER BURGER

This subject was born September 1, 1906, at Augsburg, Germany. In 1921 he was a member of the Frieekorps, a volunteer youth group which was organized to fight the Poles who were then invading Germany. In 1923 he became a member of the German National Socialist Labor Party (NSDAP), but in 1927 the Party experienced difficulty in Germany and Burger, believing that he would be killed if he remained in Germany, proceeded to the United States. He sailed from Bremen February 15, 1927, and arrived in the United States February 29, 1927, at New York City on the SS Muenchen. He traveled on a Quota Immigrants Visa issued January 21, 1927, by the American Consul at Stuttgart, Germany.

Burger filed his Declaration of Intention for citizenship September 16, 1927, and on April 18, 1932, he filed his Petition for citizenship while residing in South Milwaukee, Wisconsin. On February 14, 1933, the Circuit Court, Milwaukee, Wisconsin, issued his Certificate of Naturalization. It is interesting to note that Burger and this certificate in his possession when he landed with the other German saboteurs at Amagansett, Long Island, June 13, 1942. It is also to be noted that as a citizen of the United States Burger is subject to possible denaturalization proceedings by reason of the fact that he did not report to the American Consul in Germany at any time after his return there in 1933.

The family of Burger consists of his Mother and Father, Max and Johanna Burger, Wuersburg, Germany, and a sister, Mrs. Ann Dantanello, Wuersburg, Germany, whose husband, Josef, is a German Government employee. Theresa Weiss, Carrollville, Wisconsin, is a distant relative of his Mother and has not been seen by Burger since 1933. Burger married Bettina Luscher, his secretary, after he graduated from the University of Berlin in July, 1939. She is now with his parents in Wuersburg.

During the time Burger was in the United States, 1927-1933, he was employed at Milwaukee, Wisconsin; Detroit, Michigan, and Harvey, Illinois, as a die maker and machinist.

On June 17, 1931, Burger enlisted in the Michigan National Guard at Detroit, being a Private First Class. On October 21, 1931, he was honorably discharged inasmuch as he was returning to Milwaukee, Wisconsin, to live. He enlisted in the Wisconsin National Guard at Milwaukee November 26, 1931, and was honorably discharged June 1, 1933, when he returned to Germany. This discharge was forwarded to him in Germany at Augsburg by letter of September 30, 1933, by his Company Commander, based on a request of Burger in a letter of September 18, 1933. Burger possessed both the above-mentioned discharges at the time he landed in the United States June 13, 1942.

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At the time of Burger's return to Germany on the SS Hamburg in July, 1933, he was unemployed and therefore his transportation was paid by his parents. Upon his arrival in Germany at that time he resumed his connection with the NSDAP at Augsburg, Germany, later moved to Munich and finally was transferred to Berlin. While in Munich he was attached as Aide-de-Camp to the staff of Ernest Roehm, National Head of the Storm Troopers (S.A.), right-hand man to Hitler.

On June 30, 1934, Ernest Roehm was purged by Heinrich Himmler and Burger claims he then fell into disrepute with the NSDAP. At the time of the purge Burger had been assigned to the Medical Division of the Storm Troopers under Ketterer, who retained the confidence of Hitler. The Storm Troopers then were in very great disrepute and its membership subjected to many indignities, suspicions and arrests. Many of the members, however, remained loyal to the ideals of Roehm. Burger stated that it was at this time he decided to leave Germany as soon as he could devise a way to do so. Burger admits having taken part in street riots and killings involving the Communists in the early activities of the Party and also admits his participation in similar activities with the opposing faction of the NSDAP. He also admits the killing of at least one of the SS group who met him and called him a traitor, referring to the activities of the old SA group.

A short time later Burger became a writer for the Propaganda Bureau of the German Government and accepted assignments in Czechoslovakia, Austria and Poland. He submitted various reports as to the conditions in these areas and during the time he was in Poland submitted a report criticizing the Gestapo. He was arrested by the Gestapo on March 4, 1940, at Lipno, Poland, and thereafter was imprisoned in Poland and in Berlin for Seventeen months. Upon his release July 22, 1941, he was forced to join the Germany Army.

Burger has stated that prior to these incidents he had offered his services to the Intelligence Division of the German High Command in Berlin for any type of service in the United States. He indicated it was his idea that he would thus get out of Germany with the further thought of opposing the German regime. After the declaration of war between the United States and Germany, he states he felt that he could possibly serve the United States inasmuch as he was a citizen.

After entering the German Army in 1941, Burger was assigned to guard prisoners of war at camps in the vicinity of Berlin. On April 5, 1942, he received a letter advising him to turn in his uniform and report to the office of the High Command in Berlin. At that time he met Lieutenant Walter Kappe, who, he learned, was head of the espionage and sabotage activities directed against the United States. Burger was assigned to the Army Headquarters at Brandenburg, Germany, and reported at the sabotage school April 11, 1942. It was at this place that he was first advised that he would be assigned to the United States for the purpose of engaging in sabotage and terroristic practices.

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Burger attended school from April 13, to April 30, 1942. His knowledge of this course of training and all the details thereof indicates he was apparently a very good student during the training period. Thereafter he and the other members of the school were on vacation from May 1, to May 12, 1942, and on the latter date reported back to Berlin where they received additional instructions and were equipped with uniforms, explosives and devices prior to proceeding to Paris May 22, 1942.

On May 25, 1942, Burger and his associates left Paris and arrived at Lorient, France, May 27, 1942. The group of which Burger was a member was led by George John Dasch and departed from Lorient May 28, 1942, with the objective of landing on Long Island, New York. The other group of which Burger had knowledge was headed by Edward Kerling and departed from Lorient, France, May 27, 1942, with the objective of landing in Florida.

The saboteur group of which Burger was a member together with George John Dasch landed at Amaganset, Long Island, June 13, 1942. After purchase of clothing in Jamaica, Long Island, he and Dasch registered at the Governor Clinton Hotel, New York City. They met Heinrich Harm Heinck and Richard Quirin that afternoon at 3:00 p.m. at the Horn and Hardart Automat. They spent the night at the Governor Clinton Hotel and on Saturday night, June 13, 1942, Dasch first brought up the discussion as to the possibilities of disclosing the activities of the saboteurs to the authorities.

On Sunday, June 14, 1942, Dasch and Burger continued their discussions of this plan and as to what they should do. They overlooked a meeting which had been arranged for 1:00 p.m. with Heinck and Quirin. However, on Sunday night at 6:00 p.m. they kept the appointment at Grant's Tomb with Heinck and Quirin. Thereafter when returning from this meeting at about 7:50 p.m. Dasch made the call to the FBI office at New York. Burger was with him but did not hear the conversation.

They spent the night of June 14, 1942, at the Governor Clinton Hotel and on Monday, June 15th, they shopped for clothing and had dinner at the Iceland Restaurant where Burger again met Danny Doyle and Mike Larson; he, Burger, and Dasch having previously seen Danny Doyle on Saturday night, June 13, 1942, when they had dinner at the Iceland Restaurant. On June 15, 1942, they were together until 11:00 p.m. when Burger returned to the hotel to spend the night and Dasch departed, indicating that he was going to see some of the boys. Thereafter Burger did not know where Dasch was located from 11:00 p.m., June 15, 1942, until sometime after 7:00 a.m. the morning of June 17, 1942, which period of time Dasch spent, according to his claim, entirely at the waiters club playing cards.

Memorandum

On Tuesday, June 16, 1942, Bruger, not being able to reach Dasch, met Heinck and Quirin at the Automat. At this time they advised they had been staying at the Hotel Martinique and had moved to 149 West 76th Street, a rooming house. On this date Burger purchased a Leica camera and equipment for \$180.

On June 17, 1942, Wednesday, shortly before noon, Burger again visited Heinck and Quirin at 149 West 76th Street. He made excuses for Dasch not being present and there was some feeling between them in that Quirin particularly resented the activities of Dasch.

On Thursday, June 18, 1942, Burger and Dasch had breakfast together and Dasch told him to visit Heinck and Quirin and that he, George, would probably leave for Washington in the afternoon. When he, Burger, returned to the hotel there were two letters at the desk for him, one his paid hotel bill and the second a note from George saying he was on his way to Washington. Thereafter he saw Heinck and Quirin again and told them that George had left and on this night he with Quirin went out and visited various night spots, after which Quirin returned to the Governor Clinton Hotel and was checked into Room 1422 for the night.

On Friday, June 19, 1942, Burger and Quirin had breakfast together and on Friday night he, Burger, visited Heinck and Quirin again when they had dinner and all then returned to Burger's room at the hotel. It was at this time that Heinck and Quirin found the letter from Dasch to Burger indicating he had gone to Washington. They read this but said nothing to Burger as to finding such letter. Burger spent the night in his room at the Governor Clinton Hotel.

On June 20, 1942, Saturday, he was in his room until 3:00 p.m. when he met Heinck and Quirin at the Rogers Peet store on Fifth Avenue and 43rd Street and then returned to his hotel where he was picked up by the Bureau at about 5:00 p.m.

With reference to situations wherein Burger may have been negligent in reporting his knowledge of the sabotage mission, it is to be noted that after the arrival of Burger in the United States, June 13, 1942, with his alleged determination to injure the Nazi Party, he did nothing to disclose the activities of the saboteurs until he was apprehended about 5:00 p.m., June 20, 1942, other than his discussion and agreement with George John Dasch that he, Dasch, would proceed to Washington and report the matter to proper authorities there. In extenuation of this situation Dasch indicated to Burger that he, Dasch, would take care of everything in connection with reporting this matter to the proper authorities.

Memorandum

In connection with the call made to the FBI Office in New York on Sunday morning, June 14, 1942, Burger advises that it was agreed between him and Dasch that Dasch would call the Office; that Dasch did call the Office and thereafter informed Burger that he had done so and that he was going to Washington on Thursday to see Mr. Hoover. Dasch pointed out that he had requested the individual he contacted in New York to make a record of the call and that he, Dasch, had given the name of Franz Daniel Pastorius in conformity with their agreement as to the manner of handling the situation. For this reason Burger assumed that Dasch was making the necessary arrangements in a proper manner. Burger further explained that Dasch did not call at the Bureau Office in New York as they had been advised at the German sabotage school that all FBI offices, with the exception of Washington, were being watched.

In connection with the delay in reporting anything while he, Burger, was standing by without knowledge of the location of George John Dasch from 11:00 p.m., June 15, 1942, to 7:00 a.m. June 17, 1942, Burger stated he was awaiting the action Dasch indicated he would take. He indicated that Dasch had suggested the plan to him in the first instance and he therefore followed Dasch, whom he respected more or less as a leader in the project.

In connection with situations which reflect favorably upon Burger, it is to be noted that when Burger was picked up and brought to the Bureau Office at New York June 20, 1942, he answered fully and truthfully all questions put to him. He requested no promises or rewards for furnishing information, and he indicated in detail his knowledge of the NSDAP and his activities in Germany, as well as his reasons for being opposed to them. Burger's original statement of June 23, 1942, reflects in detail his personal history, his knowledge of the NSDAP, the full and complete identity of all persons connected with the sabotage plot, the full details as to the instruction he received and as to what he was to do in the United States, as well as to the details which would assist in locating the other saboteurs. Burger's statement is definite and clear cut. He did not endeavor to sell information for his own purposes and never made any suggestions as to any promises or rewards he expected for the information he furnished. His advice as to the other subjects and their possible activities and his individual descriptions were exact and were readily given. His descriptions and drawings of the devices were in detail and much more satisfactory than those furnished by other subjects, including Dasch.

During the trial of these subjects, whereas Dasch had refused to testify some time before the trial started and had definitely refused after counsel had been appointed for him, Burger agreed to testify for the Government notwithstanding the advice of the counsel appointed for him and despite his counsel's insistence that he should not do so. It is believed that if he had been requested to do so, Burger would have testified for the Government contrary to the advice of his counsel.

Memorandum

After the trial and subsequent to the imposition of the sentence, Burger remained very friendly and cooperative, whereas George John Dasch was very bitter and angry towards the FBI. For approximately eight weeks after the trial Special Agent Charles F. Lanman talked with Burger daily and Burger furnished in great detail information as to all matters which had been covered previously with him. At those times he also covered in detail questionnaires which were submitted by the British Intelligence, Military Intelligence and Naval Intelligence. These questionnaires covered numerous topics. Burger also prepared written accounts of various topics and at all times he endeavored to intelligently cover any subject matter which might be of interest to this country in its efforts against the Nazis.

During this time Burger also covered in great detail the organization of the NSDAP. He indicated he was a very well-informed individual and furnished considerable information which had not been brought previously to our attention. After his removal to the United States Penitentiary at Atlanta he was engaged for some time in translating the 1940 yearbook of the NSDAP, and he submitted biographical sketches of various leading members of the Nazi Party.

Burger has indicated that he realized the Bureau could do little else but prosecute him at the time he was apprehended during a sabotage mission. He has indicated he has faith in the Bureau and that he will receive just treatment. He has further indicated a desire to return to Germany after the war, in an under-cover capacity, where he has a large group of friends who are in the same position he was in prior to his departure from Germany and who are opposed to the Nazi Party. He believes that he could be of great value to the United States as he expects there will be a definite underground movement on the part of the Nazi Party to survive with the hope that they will eventually gain control in Germany again. He feels that through his associates in Germany he would be in a position to furnish information regarding the underground continuance and development of the Nazi Party.

In 1942, 1943 and 1944, Burger, without promise of reward of any kind, agreed to testify for the Government in the trials of various persons charged with treason at Chicago and New York, and as a result he testified in the following instances:

1. At the trial in Chicago of Hans Max Haupt and five others for treason in 1942

Memorandum

2. At the trial of Helmut Leiner, treason, New York, 1943
3. At the trial of Anthony Cramer, New York, for treason, 1943.
4. At the second trial of Helmut Leiner for trading with the enemy, New York, 1943.
5. At the second trial of Hans Max Haupt, treason, Chicago, 1944.

In the trials of these various subjects he testified truthfully and intelligently was a very good witness although he was subjected to considerable harassment by defense counsel. This was a definite sacrifice upon the part of Burger inasmuch as his father, mother and wife are still in Germany. It is believed the services rendered by Burger in testifying in these various trials warrant considerable consideration as to his good intentions and as to the services rendered to the United States. It would have been difficult to present these treason cases and show the enemy character of the persons, namely the saboteurs, with whom the associates were charged with collaborating unless Burger had so testified. Dasch, it is to be noted, while he might have been agreeable to testifying, is of such an emotional high-strung character and of such an unpredictable nature as to make it impossible and impracticable to use him as a witness.

Memorandum

GENERAL

It is noted that both Dasch and Burger made claims they did not intend to carry out their sabotage mission. In his various statements Dasch explained at great length that when he arranged to come to the United States he intended to disclose the sabotage plot to officers of the United States and had no intention to commit sabotage. His objective was alleged to be merely injury to the Nazi regime with which he was not in agreement. He stated he considered Burger as possibly being a person who would agree with him before they left Germany; however, he did not approach Burger in Germany. He explained his position to Burger after their arrival in the United States on June 13, and 14, 1942, and Burger agreed with him, indicating that he, Burger, was definitely opposed to carrying out their instructions and was desirous of having the situation reported to the American authorities.

In connection with individuals indicated by both Burger and Dasch as persons who would be favorable to them and aware of their good intentions, the names of William Polk Von Schaible and Eva Chuetz were cited. With reference to Dasch, Von Schaible would not bear him out and, in fact, reacted against him. Burger's situation as disclosed by Eva Chuetz, alias Eva Schultz, was somewhat different. Burger had indicated that Miss Chuetz was aware of his desire to leave Germany in 1934, at which time they lived at the same rooming house in Berlin, Miss Chuetz then being secretary to the Chief of the Associated Press Bureau. Burger stated he was quite friendly with Miss Chuetz and advised her of his desire to leave Germany in 1934, at which time he had requested her assistance or the assistance of her friends in helping him escape from Germany. When interviewed concerning these matters, Miss Chuetz first stated she did not know Burger very well but had spoken to him once or twice on unimportant matters. On a second interview she indicated she knew of Burger's being involved in the Communist riots and various conflicts in Germany prior to the Nazi regime and that he had been in the Nazi Party from its beginning. She further stated that Burger had indicated how much he loved America, which he considered the only place in the world in which he really wanted to live. Miss Chuetz indicated she was not particularly fond of Burger, but that he was a very agreeable and pleasant person. She seemed particularly anxious that her name not become

Memorandum

involved in the trial of this case in July, 1942, and it is possible that her version of her association with Burger is somewhat colored by her fear of becoming involved in publicity because of her job with the Associated Press.

It appears that Burger probably had more justification for his hatred towards the Nazi Party and in particular the Gestapo because of his treatment and imprisonment. Dasch, however, could point to no particular undesirable action taken against him while he was in Germany. He has never admitted, as is suspected, that he is a Communist, which might justify his hatred for the Nazi Officials.

In conclusion, it is to be noted that either or both Dasch and Burger could have quietly disappeared with the \$82,550 they possessed after their arrival in the United States and without advice to anyone if they had been interested only in self-saving purposes. However, as to this, fear may have had considerable to do with their failure to take such action, either by reason of their fear of possible consequences in the United States, or retaliatory action by the German officials.

~~CONFIDENTIAL~~

WAR DEPARTMENT

M. I. D.

Washington 25, D. C.

MID 201

BURGER, Ernest Peter

DASCH, George John

23 October 1947

(Date)

Subject: Ernest Peter BURGER: born 1 September 1906 in Augsburg, Germany
 George John DASCH: born 7 February 1903 in Speyer-on-the-Rhine,
 Germany

Summary of Information:

1. Ernest Peter BURGER and George John DASCH were members of a German group which received training at a Nazi sabotage school near Berlin, Germany in the early part of 1942. After schooling, the entire group, eight in number, crossed the Atlantic by submarine to carry on sabotage operations in the U.S. One group of four, under the leadership of DASCH and including BURGER, landed at Long Island, New York, in the early morning of 13 June 1942. The other group of four landed at Ponte Vedra Beach, Florida on or about 17 June 1942. Both groups were equipped with explosives and sabotage devices, and had been thoroughly instructed in their use. After landing, each group proceeded in civilian dress to various points in the U.S. (DASCH and BURGER to New York City), where they were to remain inactive for three months. (F-3)*
2. DASCH and BURGER claimed they never intended to follow through with their instructions, but instead intended to disclose the plan to U.S. authorities. (F-6)**
 On 19 June 1942, DASCH contacted the FBI, and eventually he and BURGER disclosed the entire sabotage plan. All eight of the enemy agents were promptly taken into custody. (B-2)***
3. After apprehension, all eight of the saboteurs were tried by a military commission appointed by the President. The charges specified violations of the laws of war, of Article 81 of the Articles of War (relieving or corresponding with the enemy), Article 82 (spying), and conspiracy to commit these offenses. All were found guilty. In consideration of their activities in bringing about the apprehension and conviction of their six co-saboteurs, DASCH and BURGER were given sentences of thirty years and life, respectively; the other six were condemned to death, and subsequently executed. DASCH and BURGER are confined in Federal penitentiaries at Fort Leavenworth and Atlanta, respectively. (B-2)***

Previous Distribution:

Distribution:

JAG
File

Evaluation

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16-82269-1 GPO

~~CONFIDENTIAL~~

Ind. 2 Automatically Upgraded
 Authority E.O. 12065

~~CONFIDENTIAL~~

MID 201

BURGER, Ernest Peter

DASCH, George John

4. DASCH and BURGER have been under consideration for clemency for some time. In November 1945, the Attorney General made public the facts and testimony in the case. As a result of the publicity, various government officials received letters from the public advocating clemency for DASCH and BURGER. The wife of DASCH, Rosemarie DASCH, now residing at 3706 Rombouts Avenue, New York City, has frequently written letters on behalf of her husband to various government officials. On or about 1 November 1946 Mrs. DASCH retained Arthur Garfield HAYES, counselor-at-law, on behalf of her husband. (B-2)***

Summary of information on DASCH follows:

5. George John DASCH was born 7 February 1903 in Speyer-on-the-Rhine, Germany. His mother, Franzisca DASCH, and father, John DASCH, are residing in Speyer, Pfohlz, Krueztorstr, 3, Germany; three sisters live in Germany; four sisters live in Switzerland; one sister lives in Mexico; one brother, who was in the German Armed Forces, was purportedly killed in action; and one sister and one brother, Ernest DASCH, live in the U.S. (F-6)** Ernest DASCH was inducted into the U.S. Army on 5 February 1943, and was honorably discharged as a private on 5 April 1946. He was known to be pro-Nazi, and was considered potentially dangerous. (B-2)***

6. DASCH first entered the U.S. on 12 October 1922 as a stowaway on board the S.S. Schoharie. On 26 September 1923, he legalized his entry and falsely stated that he had arrived in the U.S. on 4 October 1922 as a passenger via the S.S. Mount Carroll. He left the U.S. as a messman on board the S.S. Mount Clay, and re-entered on 12 November 1923 from Hamburg, Germany on the same vessel. (F-3)*

7. DASCH visited Germany from 6 March 1930 to 26 May 1930, from 5 November 1930 to 15 March 1931, and from the fall of 1931 to 4 January 1932. (F-3)*

8. While in the U.S. DASCH was employed at various places, principally as a waiter, and resided in New York City, San Francisco, St. Louis and Chicago. (F-6)**

9. He frequented a club operated by one Joseph MAYER, at 121 West 49th Street, New York City, known as the Certified Hotel and Restaurant Executives Association, where he spent most of his time gambling. (B-2)***

10. DASCH allegedly filed an application for citizenship in the Southern District of New York about July 1923, and on 22 June 1939 filed a petition for naturalization in the same district. The basis for this petition was his marriage on 18 September 1930 to Rosemarie GUILLI, an American citizen born 31 December 1905 in Walston, Pa. The petition was denied for failure to appear for final hearing. (B-2)***

11. On 9 August 1927 DASCH enlisted in the U.S. Army. On 18 September

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BURGER, Ernest Peter
DASCH, George John

1928, by purchase, he was honorably discharged at San Francisco. (B-2)***
DASCH allegedly enlisted believing he would automatically become a U.S. citizen;
when he found this not to be true, he purchased his discharge. (F-6)**

12. The German Consulate arranged to pay the passage to Germany of DASCH and his wife. After obtaining German passports, DASCH and his wife sailed from San Francisco 27 March 1941, landing at Yokohama, Japan on 11 April 1941. They left Tokyo 22 April 1941, passed through Manchuria and Russia, and arrived at Malkomia, Poland, then a part of Germany, on 13 May 1941. (F-3)*

13. DASCH arrived in Berlin 3 June 1941, and met one Lt. Walter KAPPE, who was purportedly assigned to the Intelligence Division, German High Command, and engaged in the direction of sabotage abroad. Kappe arranged for the employment of DASCH in the German Foreign Office as monitor of foreign language broadcasts. Later DASCH made plans with Kappe relative to sabotage operations in the U.S. On 27 February 1942, DASCH terminated his connections with the Foreign Office and devoted his full time to sabotage in the U.S. Eventually he was assigned to the sabotage school at Quentz Lake, Brandenburg, Germany. On 28 May 1942 the sabotage group under the leadership of DASCH left by submarine from Lorient, France, for the U.S. DASCH and BURGER allegedly had access to approximately \$82,550 in U.S. currency for use in this country. (F-2)****

14. On 14 June 1942 DASCH and BURGER agreed to disclose the sabotage plan to the FBI. DASCH was to handle all arrangements. (F-2)****
On that day DASCH telephoned the FBI office in New York. Using the name of Franz Daniel PASTORIOUS, he told them he was going to Washington, and to notify Mr. HOOVER or his representative that Pastorious would see him. On 19 June 1942, DASCH contacted the FBI in Washington, and was promptly apprehended. (B-2)***

15. After his apprehension, DASCH delayed giving vital information needed to locate the other saboteurs and accomplices in the U.S. He stated he did this to protect the crews of the submarines and not to protect the saboteurs. However, he also admitted he believed the Florida group had landed on the 15th or 16th of June 1942. Generally speaking, DASCH displayed a cooperative attitude during interrogation, and from time to time volunteered information which proved to be of value. Since his conviction he has given no information of value to the U.S. (B-2)***

16. At his trial he did not plead guilty, and he did not testify as a witness for the U.S., as he had previously stated he would do. (B-2)***
DASCH stated he was informed at first that he was under protective custody, and was not put under arrest until 24 June. He said he agreed to plead guilty to avoid publicity and thereby protect his family in Germany. He said it was further agreed that he would get a Presidential pardon three to six months later. When he saw his picture in the paper, he decided he had been deceived. (B-2)***

17. DASCH stated he was under orders to seize any witness they met on landing and to return the witness to Germany. (F-6)**
He did not seize the Coast Guardsman whom he met on landing on Long Island. DASCH told him to "take a good look" at DASCH, and DASCH removed his hat and

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BURGER, Ernest Peter
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used his flashlight to assist the Coast Guardsman, who later identified DASCH.

(B-2)***

DASCH used this incident among others to support his contention that he had the surrender of the groups thought out months before his landing. DASCH has repeatedly claimed since his surrender that his sole purpose in surrendering was in answer to his deep and bitter hatred against Nazism. He claimed he never intended to commit any crime against the U.S., for whom he had nothing but friendship.

(F-6)**

18. After the apprehension DASCH attempted at first to give the impression that he was a good German whose purpose was to help Germany by frustrating Hitler and the Nazi Party. Later he attempted to give the impression that his chief interest in reporting the saboteurs was to assist the United States.

(F-6)**

DASCH gave the name of William Polk Von SCHAIBLE as a person who would vouch for his pro-American sympathies while in Germany. Von Schaible, an American citizen, was in Germany at the outbreak of war, and from 1 August 1941 to 6 January 1942 worked with DASCH in Wannsee, Berlin, as a monitor of foreign radio broadcasts. Von Schaible was repatriated, arriving at New York City on 1 June 1942. Von Schaible described DASCH as zealous in his work, and desirous of becoming a member of the German Intelligence. Von Schaible would not describe DASCH's actions as pro-American, but described him as a good German who would do anything for Germany.

(F-2)****

19. In 1940 or 1941, DASCH told the German Consulate in New York City (with whom he met frequently, representing himself as a good German citizen) that he had disregarded a summons to take the oath of citizenship because of his intention to return to Germany.

(B-2)***

He is alleged to have said that since Germany had gone to war it would be unpatriotic to renounce his German citizenship. Before his departure from the United States in 1941, DASCH was seemingly overjoyed and enthusiastic at the prospect of returning to Germany and assisting in her war effort. DASCH indicated a belief in Hitler's "New Order," and stated he would succeed in Germany or kill himself.

(F-6)**

20. While confined at Atlanta, prior to his transfer to Fort Leavenworth, DASCH was described by the Warden as a Communist and a trouble maker who was bitter because he was not immediately released following trial.

(F-3)*

On 28 July 1947, in a letter to the Warden of the penitentiary at Fort Leavenworth, DASCH stated that "it has always been my desire to return to Germany."

(B-2)***

21. Private Ernest DASCH, ASN 32793530, a pro-Nazi brother of SUBJECT, stated that SUBJECT said he never liked Hitler and that SUBJECT was never a member of the Bund. He said that when SUBJECT bid him goodbye in 1941 SUBJECT stated although he was returning to Europe he did not feel he would settle again in Germany.

(F-3)*

SUBJECT claimed Ernest DASCH once threatened to evict him because of SUBJECT's criticism of the Hitler regime.

(F-6)**

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22. During his years of employment in the U.S., DASCH was very active in the Local Waiters Union in Westchester County, New York, belonging to a faction which opposed the officials of the union. On one occasion he sought the presidency of the local union, and on another had attempted to organize a separate union. It was also reported that DASCH had attempted to transfer the affiliation of the local union to the CIO. (B-2)***

23. Waiters and customers of the Hotel and Restaurant Executives Association, some of whom had known DASCH for as long as five years, reported that DASCH was admittedly a Communist. One of the waiters, Abraham REICHER, reported this information to the FBI. DASCH reportedly told the above individuals that he was going to Russia via Japan, where he had a brother who occupied a good position in the Communist Party, and that upon his return to the U.S. the fireworks would start. DASCH indicated that he believed in Communist principles and was opposed to the Nazis. DASCH also stated his brother resided in Moscow, and was manager of some Russian oil fields. (B-2)***

Summary of information on BURGER follows:

24. Ernest Peter BURGER was born 1 September 1906 at Augsburg, Germany, the son of Max and Johanna BURGER, of Wuerzburg, Germany. His sister is Ann DANTANELLO, Wuerzburg, Germany, whose husband, Josef, was a German government employee. BURGER married Bettina LUSCHER, his secretary, after he was graduated from the University of Berlin in July 1939. She is now living with her parents in Wuerzburg, Germany. (F-2)****

25. In 1921 BURGER was a member of the Friekorps; in 1923 he became a member of the NSDAP. He said he felt he would be killed because of his party affiliations if he remained in Germany. (F-3)*
BURGER traveled to the U.S. on an immigration quota, arriving in New York City 29 February 1927. (B-2)***

26. On 16 September 1927 BURGER filed his declaration of intention for citizenship. On 14 February 1933 he received his certificate of naturalization. (B-2)***

27. From 17 June 1931 to 21 October 1931 BURGER served in the Michigan National Guard. From 26 November 1931 to 1 June 1933 he served in the Wisconsin National Guard. All service was honorable. (C-3)*****

28. During the time he was in the U.S. he was employed in Milwaukee, Wis.; Detroit, Mich. and Harvey, Ill. as a die maker and machinist. (F-6)**

29. In July 1933 he returned to Germany. He resumed his connection with the NSDAP at Augsburg, later moved to Munich, and finally to Berlin. While in Munich he was attached as aide-de-camp to the staff of Ernest ROEHM, national head of the SA. On 30 June 1934, when ROEHM was purged by Heinrich HIMMLER, BURGER was assigned to a medical unit of the SA under KETTERER. At this time

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he decided to leave Germany as soon as possible. BURGER admitted having taken part in street riots and killings involving the Communists in the early days of the party, and also admitted his similar activities with the opposing portion of the NSDAP. (F-6)**

30. A short time later BURGER became a writer for the Propaganda Bureau of the German Government. He submitted a report criticizing the Gestapo, for which he was arrested on 4 March 1940 at Lipno, Poland. He was imprisoned until 22 July 1941, when he was forced to join the German Army. (F-6)**

31. Before his imprisonment BURGER had volunteered for any type of intelligence service in the U.S. He claimed it was his idea to thus get out of Germany, with the further thought of helping the U.S. (F-6)**

32. Initially, in the Army, BURGER guarded prisoner of war camps. On 5 April 1942 he was assigned to the intelligence service, reporting to the sabotage school at Brandenburg, Germany on 11 April 1942. From that date to 28 May 1942 he was attending sabotage school and making preparations for the mission to the U.S. (F-6)**

33. On 14 June 1942, in New York City, BURGER and DASCH discussed for the first time the plan to disclose the sabotage plan to U.S. authorities. (F-3)*

DASCH was to make the arrangements for the disclosure. BURGER was apprehended in New York City 20 June 1942. (B-2)***

34. BURGER answered questions fully and truthfully after his apprehension. He indicated in detail his knowledge of the NSDAP, the full and complete identity of all persons connected with the sabotage plot, the full details of the instructions he was to follow in the United States, and the location of the other saboteurs. His descriptions and drawings of various devices were in detail and much more satisfactory than those supplied by other subjects. He prepared many written reports on various topics, and at all times endeavored to intelligently cover any subject matter which might be of interest to the U.S. (B-2)***

35. At his trial, BURGER agreed to testify for the U.S. notwithstanding the insistence of his defense counsel that he should not do so. (B-2)***

36. At Atlanta, BURGER was engaged for some time in translating the 1940 yearbook of the NSDAP. He has submitted biographical sketches of various leading members of the Nazi party. (B-2)***

37. In 1942, 1943 and 1944 BURGER testified for the U.S. in the trials of various persons charged with treason. His testimony was considered essential. (B-2)***

38. BURGER says he desires to return to Germany in an undercover capacity. (B-2)***
There he has a large group of friends who were in the same position as he was in prior to his departure from Germany, and who are now actively

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BURGER, Ernest Peter
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opposed to the Nazi party. He says he feels that he could supply the U.S. with valuable information on any underground movement of the Nazi party. (F-6)**

39. The warden of the Federal Penitentiary at Atlanta described BURGER as a diligent worker, cooperative, courageous, honest, and a person who has the interests of the U.S. at heart. His conduct at Atlanta has been exemplary, the warden said. (B-2)***

- *F-3: Reliability of source unknown, possibly true information
- **F-6: Reliability of source unknown, truth of information impossible to judge
- ***B-2: Usually reliable source, probably true information
- ****F-2: Reliability of source unknown, probably true information
- *****C-3: Fairly reliable source, possibly true information

~~CONFIDENTIAL~~

PERSONAL PROPERTY OF GEORGE JOHN DASCH

2 pairs of blue striped pajamas
6 shirts
9 pairs of socks
2 hand towels
3 silk handkerchiefs
1 suit of underwear
1 pair of black and white shoes and shoe trees
1 pair of brown shoes
1 set of shoe trees
1 black leather belt
1 tan gabardine topcoat
1 three-piece blue gabardine suit
1 brush
1 envelope containing miscellaneous toilet articles
13 neckties
1 pair bedroom slippers
1 blue dressing gown
miscellaneous underwear
1 gray vest
1 light tan pair of slacks
1 Lifetime W. A. Shaeffer fountain pen No. 1375
1 Shaeffer pencil No. 600
1 Lord Elgin wrist watch, serial No. 87723
2 tan leather bags

of such interest to the public as to warrant their release in this case.

~~SECRET AND CONFIDENTIAL~~

DRAFT

THE WHITE HOUSE
Washington, D. C.

The Provost Marshal for the Military District of Washington, Brigadier General Albert L. Cox, U.S.A., is directed to carry out the sentence of the Military Commission, as confirmed by me—the reviewing authority,—by execution in the electric chair in the District of Columbia of the six prisoners named:

Herbert Hans Haupt	Hermann Otto Neubauer
Heinrich Harm Heinck	Richard Quirin
Edward John Kerling	Werner Thiel

The Attorney General, the Department of Justice and the District Commissioners are to cooperate in every possible way with the Provost Marshal of the Military District of Washington in carrying out this directive.

The two other prisoners, Ernest Peter Burger and George John Dasch, have had the sentence of the Military Commission commuted to life imprisonment for their assistance to the Government of the United States, and the Provost Marshal shall turn them over to the Department of Justice for incarceration in a Federal penitentiary, or such other institution, under the applicable laws and regulations, as the Attorney General may direct. The Attorney General may move these two prisoners, Ernest Peter Burger and George John Dasch, from one Federal prison to another, if, in his discretion, he deems it wise to do so.

*Automatically Regaded UNCLASSIFIED
Authority EO 12065*

DEPARTMENT OF JUSTICE
Washington

October 8, 1947.

MEMORANDUM FOR LIEUTENANT COLONEL NICHOLAS VORHIES
OFFICE OF THE JUDGE ADVOCATE GENERAL

In connection with your plan to place before General Clay the question of deporting to Germany Ernest Peter Burger and George John Dasch, I should like to summarize the general situation, and also to transmit for your consideration a memorandum dated October 28, 1944, prepared by J. Edgar Hoover, Director of the Federal Bureau of Investigation.

Burger and Dasch were members of a group which received training at a sabotage school near Berlin, Germany, in the early part of 1942. Instruction was there given in the use of explosives and in methods of secret communication, sabotage, and the like. Thereafter the whole group, eight in number, crossed the Atlantic by submarine. One submarine, carrying four of the group, landed at Long Island on or about June 13, 1942. They carried with them a supply of explosives, fuses, and incendiary and time devices. Immediately after the landing, which occurred at night, they buried these articles and proceeded in civilian dress to New York City. The other four men landed at Ponte Vedra Beach, Florida, on or about June 17, 1942. They too were equipped with explosives and other devices. They buried these materials and proceeded in civilian dress to Jacksonville, Florida, and thence to various other points in the United States.

All eight men were taken into custody in New York and Chicago by agents of the FBI. As appears from Mr. Hoover's memorandum dated October 28, 1944, revelations made by Burger and Dasch to the FBI after their landing played a vital part in the detection and apprehension of the entire group. However, circumstances occurred at the landing in Long Island of a nature to put Burger and Dasch in fear of capture. In the absence of those circumstances, would they have taken the steps which they did take to reveal their plans to the FBI? My own personal view is that Burger had suffered so heavily at the hands of the Nazis that he probably would have communicated the plot to the FBI even though there had been no cause to fear detection and apprehension. I have serious doubts in the case of Dasch as to what his conduct would have been in circumstances more favorable to the success of his mission. I think that Mr. Hoover's general conclusion appearing at page 15 of his memorandum gives a good statement of the problem and its solution.

Incl 3

After apprehension of the eight men by the FBI they were turned over to the War Department, and were tried by a military commission appointed by President Roosevelt. The charges specified violations of the laws of war, of Article 31 of the Articles of War (relieving or corresponding with the enemy), Article 32 (spying) and conspiracy to commit these offenses. All eight were found guilty. Burger and Dasch were given life sentences at hard labor, in consideration of the cooperation which they had given the FBI, and the remaining six were condemned to death.

Burger and Dasch have been in the custody of the Department of Justice for more than five years. Burger has an excellent prison record. That of Dasch is less satisfactory. Burger's attitude appears to be good, and there seems little doubt that if he is returned to Germany he will endeavor to lead a useful life, and would not constitute a security problem. On the contrary, it is to be expected that he would be able and willing to perform valuable work for the American authorities, particularly in counter-intelligence and in the denazification program. Dasch, however, might constitute a real problem from the security point of view. In this connection I may refer you to Mr. Conner's memorandum of August 4, 1947, and the annexed papers (copies attached).

The Attorney General has authorized me to say that he believes that clemency should be extended to both of these men, and that he is willing to give a recommendation to General Clay that Burger be favorably considered for any useful work in Germany for which he is found to be fitted.

/s/ George T. Washington

George T. Washington,
Assistant Solicitor General.

October 28, 1944

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MEMORANDUM FOR THE ATTORNEY GENERAL

RE: GEORGE JOHN DASCH, With Aliases;
ERNEST PETER BURGER, ET AL: SABOTAGE

Transmitted herewith is a memorandum reflecting favorably and unfavorably on both George John Dasch and Ernest Peter Burger, which you may wish to consider in the event your recommendation with regard to commutation of the sentences imposed upon Subjects Dasch and Burger should become desirable.

In the event consideration is given after the war to the release of any prisoners convicted of wartime offenses, it is believed that consideration should be given to Dasch and Burger. If these individuals are to be released for reasons other than the expiration of sentence, it is felt they should be deported immediately and should remain in custody until such deportation.

Concerning what efforts will be made by these Subjects to effect their release, you may wish to know Dasch has indicated to an Agent of this Bureau that upon the termination of the war he will insist upon complete vindication and will not be satisfied with a Presidential pardon. In this regard, it will be recalled that Dasch displayed great bitterness following his conviction and on numerous occasions complained that the FBI was responsible for the alleged injustice of his conviction. He has indicated that unless complete vindication is forthcoming, he will take steps to force such action by publicizing his part in the apprehension of the Subjects. It is my understanding that Dasch is desirous of interesting Arthur Garfield Hayes and the American Civil Liberties Union in his case and that possibly in February of 1945 he will initiate some action.

According to my further information, Colonel Ristine, who represented Dasch before the Military Tribunal at Washington, consulted with Dasch and Burger at the Atlanta Penitentiary and offered to represent these Subjects in their efforts to procure commutations. Colonel Ristine reportedly said that he would commence action at the proper time and counselled that in the meantime they should make no attempt to obtain commutations. Burger is alleged to have declined Ristine's offer with the statement that he would handle his own interests at the opportune time.

Respectfully,

John Edgar Hoover
Director

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M E M O R A N D U M

GEORGE JOHN DASCH

This subject was born on February 7, 1903, at Speyer-on-the Rhine, Germany, and first entered the United States on October 12, 1922, at Philadelphia, Pennsylvania, as a stowaway on board the SS Schoharie. On September 26, 1923, by payment of a head tax, Dasch legalized his entry and obtained Seaman's Identification Card #412243, dated on that day at New York City. It is of interest to note that in making the foregoing application Dasch falsely stated that he had arrived as a passenger via the SS Mount Carroll on October 4, 1922. However, after leaving the United States as a seaman on board the SS Mount Clay, he re-entered the United States from Hamburg, Germany, on the same vessel at New York City on November 12, 1923.

Dasch visited Germany from March 6, 1930, to May 26, 1930; from November 5, 1930, to March 15, 1931, and from the fall of 1931, to January 4, 1932. He again left the United States on March 27, 1941, under the circumstances hereinafter related.

While in the United States Dasch was employed at various places throughout the United States, principally as a waiter, and resided in New York City, San Francisco, California; St. Louis, Missouri and Chicago, Illinois. He was very active in the Local Waiters Union in Westchester County, New York belonging to a faction which was opposed to the officials of the union. On one occasion he had sought the presidency of the local and on another he had endeavored to organize a separate union. It was also reported that Dasch had attempted to transfer the affiliation of the local to the CIO.

He frequented a club operated by one Joseph Mayer, at 121 West 49th Street, New York City, New York, known as the Certified Hotel and Restaurant Executives Association, where most of his time was spent in gambling. Waiters and customers of this club, some of whom had known Dasch for five years, furnished the information that Dasch was admittedly a Communist and one of the waiters, Abraham Reicher, reported this information to the New York Field Office of the FBI. Dasch reportedly told the above individuals that he was going to Russia, via Japan, where he had a brother who occupied a good position in the Communist Party and that upon his return to the United States the fireworks would start. Dasch indicated that he believed in Communist principles and was opposed to the Nazis. With further regard to his brother, Dasch on other occasions stated that he was a manager of Russian oil fields and that his brother resided in Moscow.

Memorandum

Dasch allegedly filed an application for citizenship in the Southern District of New York about July, 1923, and on June 22, 1939, he filed a petition for naturalization in the same district. The basis of this petition was his marriage on September 18, 1930, to Rosemarie Guilli, an American citizen born on December 31, 1905, at Walston, Pennsylvania. This petition was denied, however, because of his failure to appear for final hearing and in this regard it may be noted that Dasch returned to Germany on March 27, 1941, prior to the expiration of two years from the date of the petition.

Upon subsequent examination by representatives of the FBI concerning his failure to file a petition prior to 1939, Dasch explained that he had never remained long enough in one place to acquire the necessary residence. He also called attention to the fact that on August 9, 1927, he had enlisted in the United States Army, believing that he had automatically become a citizen. However, when he found out differently, Dasch, while then serving with the Army Air Corps, in Honolulu, Hawaii, purchased his discharge and on September 18, 1928, was discharged at San Francisco, California.

Concerning Dasch's sincerity in attempting to become a citizen of the United States, it is of interest to note that according to a confidential source, Dasch told the German Consul at New York City that he had disregarded a summons to take the oath of citizenship because of his intention to return to Germany. He is also alleged to have said that since Germany had gone to war in September, 1939, it would not be patriotic to renounce his German citizenship at such a time. Dasch had been meeting with the German Consulate at New York City for some time prior to his departure for Germany on March 27, 1941, representing himself to be a good German. The Consulate arranged to pay the passage of both Dasch and his wife to Germany and after obtaining German passports he left from San Francisco, California, on March 27, 1941, on the SS Tatuta Maru, arriving at Yokahama, Japan, on April 11, of that year. He left Tokyo, Japan, on April 22, 1941, and after passing through Manchuria and Russia, finally arrived at Malkamia, Poland, which was then a part of Germany, on May 13 of the same year. Relative to the attitude of Dasch toward the United States during this period, it might be mentioned that while in San Francisco he met one J. Neil Stebbins who later described Dasch as seemingly overjoyed and enthusiastic at the prospect of returning to Germany and assisting in the war effort. He referred to the fact that he had served in the United States Army Air Corps and that he anticipated the United States would shortly enter the war against Germany. Dasch indicated a belief in Hitler's New Order and told Stebbins that if he was unable to succeed in Germany he would kill himself. Stebbins also learned from Dasch that the German Consulate in New York City was paying his passage to Germany.

Concerning his activities in Germany, Dasch has advised that upon his arrival in Berlin on June 3, 1941, he met Lieutenant Walter Kappe who was purportedly assigned to the Intelligence Division of the German High Command and engaged in the direction of sabotage abroad. Kappe arranged for Dasch's

Memorandum

employment in the German Foreign Office as a monitor of foreign language broadcasts and later suggested that Dasch participate in sabotage operations in the United States. At Kappe's request Dasch prepared a detailed memorandum as to how such operations could be best accomplished. Thereafter Dasch, as of February 27, 1942, terminated his connection with the Foreign Office and was engaged in conferences with Kappe and other officers of the High Command relative to prospective sabotage in the United States. Eventually he was assigned to the sabotage school at Quetz Lake, Brandenburg, Germany, where he was subsequently designated as the leader of one of the two missions. In connection with the plan for departure of the missions to this country, Dasch was the most active member of the sabotage group in planning for departure to the United States. Upon completion of the schooling the saboteurs proceeded to Lorient, France, from which place a group under the leadership of Edward Kerling left by submarine on the night of May 27, 1942. The group led by Dasch left from the same place on the succeeding night and landed at Amagansett, Long Island, on the early morning of June 13, 1942.

The family of Dasch consists of his Mother and Father, residing in Speyer, Germany; three sisters who are also residents of that country; four sisters in Switzerland; one sister in Mexico; one sister and one brother in the United States and a brother in the German Navy. In addition to such deductions as may be drawn from the above-related background and activities of Dasch, the following facts bearing upon his good faith in reporting the sabotage missions to the FBI are being set forth.

Following the arrival of his group at Amagansett on June 13, the four members left by train about 7:00 a.m. for Jamaica, Long Island, where they divided themselves into two groups, one composed of Burger and Dasch and the other of Heinrich Hermann Heinck and Richard Quirin. Thereafter Dasch and Burger registered at the Governor Clinton Hotel in New York City while Heinck and Quirin took up residence at the Martinique Hotel in the same city. Dasch claimed that on the following day, June 14, 1942, he and Burger discussed the possibility of disclosing the saboteurs to the FBI according to plans which Dasch had previously formulated. He and Burger allegedly agreed that Dasch would report the landing and that the entire situation would be handled by Dasch.

In pursuance of the plan thus devised, Dasch telephonically contacted the New York Field Office of the FBI about 7:50 on the evening of June 14, 1942, identifying himself as Frank Daniel Pastorius. He said that he was going to Washington, D. C., on the following Thursday or Friday and that he wished Mr. Hoover or his representative to be advised of the fact that he planned to see him. No reason was given by Dasch for the desired interview with Mr. Hoover and there was nothing in his conversation to associate him with the saboteurs. When Dasch was subsequently interrogated by an Agent of the FBI concerning his failure to immediately report his landing in order to make possible the apprehension of the Kerling group at Jacksonville, Florida, on June 17, 1942, Dasch

Memorandum

indicated that while he would not hesitate to report any of the saboteurs, he did not wish any harm to befall crew members of the submarines since they were merely doing their duty. In this regard it is noted that according to his own admission Dasch had anticipated that the Kerling group arrived in Florida on June 15, or 16, 1942.

On Monday, June 15, 1942, Dasch went to the club operated as aforesaid by Joseph Mayer at 121 West 49th Street, New York City, where he played cards continuously until 7:00 a.m. on June 17, 1942, when he returned to the Governor Clinton Hotel. During the time of his card playing Dasch indicated to some of the individuals in attendance that he was desirous of losing money. However, he apparently won and paid the bills of the other men and presented gifts to one or two others. After spending the night of June 17, 1942, with Burger at the hotel he departed at 2:30 p.m. on the following day and arrived at Washington about 7:00 o'clock on that evening.

On the morning of June 19, 1942, Dasch called the United States Government Information Bureau and attempted to be placed in communication with a representative of the Army Intelligence. When this contact could not be effected, Dasch called the FBI at approximately 10:00 a.m. He was picked up about half an hour later and brought to the Bureau for questioning.

Dasch delayed the furnishing of vital information desirable to the location of the other saboteurs who were at large in the United States at that time by insisting upon the dictation of his own statement. He was very arbitrary and wilful in his manner and it wasn't until the late night of June 19, that he divulged the exact location of Burger.

With further regard to the hesitance of Dasch in furnishing pertinent information, attention is called to the fact that he disclaimed knowledge of the formula necessary in bringing out the secret writing on the handkerchief which was in his possession. However, after 48 hours he admitted that the solution was ammonia. Had he given the desired formula immediately the Bureau would have learned that his contacts in the United States were Isidore Lerner, Astoria, Long Island, the Reverend Carl Krepper, Rahway, New Jersey, and Walter Forehling of Chicago, Illinois.

For several days Dasch disclaimed any knowledge of the identity of Werner Thiel, insinuating that he knew of this individual only under his alias William Thomas. In this regard it is noted, however, that as a matter of fact Dasch had returned to Germany with Thiel on May 27, 1941, from San Francisco, via Japan and Russia.

In the early stages of his questioning, Dasch attempted to give the impression that he was a good German whose purpose was to help Germany by frustration of the activities of Hitler and the Nazi Party. However, when it

Memorandum

was later made clear to him that he would not be permitted to dictate plans for the handling of this case, he endeavored to give the impression that his chief interest in reporting the saboteurs was an effort to assist the United States.

About July 1, 1947, Dasch indicated a willingness to cooperate in keeping the facts of this case from Germany by pleading guilty, but thereafter he refused to do so even through a plea would have helped to protect his parents. He had originally indicated a desire to protect his parents, but upon stating that he would not plead guilty he remarked that his parents would have to "take care of themselves."

During the trial Dasch refused to appear as a witness for the Government, this being a reiteration of a position which he had taken some time prior thereto while still at New York City. However, it should be borne in mind with regard to his refusal that his appointed counsel had advised him not to plead guilty.

The following facts would appear to reflect favorably upon the good faith of Dasch. Attention is first directed to the fact that Dasch did notify the Bureau of the arrival of the saboteurs in the United States.

It is also noted that generally speaking Dasch continuously displayed a cooperative attitude during the course of interrogation by representatives of the FBI and from time to time volunteered information which proved to be of value.

He readily identified pictures of Lieutenant Walter Kappe and Rheinhold Barth, both of whom, as members of the General Staff of the German Army, had participated in his recruitment. Dasch provided information as to the operations of these individuals and as to the operations of the German Intelligence generally.

Recently Dasch assisted an Agent of the FBI in devising a pretext for use in an espionage case. His ability to render this assistance was the result of his experience in Germany and the pretext, upon being subsequently used, was very effective.

As to persons who would vouch for his pro-American sympathies and intentions while in Germany, Dasch designated one William Polk Von Schaible. However, on the whole the information later obtained from this individual was unfavorable to Dasch. Von Schaible, an American citizen, was in Germany at the outbreak of the war and had spent considerable time in that country. From August 1, 1941, to January 6, 1942, Dasch and Von Schaible were both engaged by the German Government as monitors of foreign radio broadcasts at Wannsee, a suburb of Berlin. Von Schaible claimed that he, Von Schaible, was suspected

Memorandum

by the Gestapo of being an agent of the United States and as a result he was on many occasions subjected to harsh treatment. However, Von Schaible was eventually repatriated to the United States and arrived at New York City on June 1, 1942.

When questioned relative to his knowledge of Dasch, Von Schaible said that most of his information had been obtained from his secretary, Miss Ruth Leonhardt, who had been very friendly with Dasch during the period of their joint employment at Waseco. Von Schaible described Dasch as being overly zealous in his work, as indicated, for example, by the fact that he had declined to take advantage of a vacation during the holidays of Christmas in 1941.

Von Schaible further advised that Dasch had indicated a desire to become a member of the German Intelligence and in August, 1941, shortly after their meeting, he had told Von Schaible that he expected to come to the United States on an intelligence mission for the German Government. Dasch inferred that he and his group would gain entrance to this country off the coast of Florida by means of a fishing boat. His purpose in doing this, Dasch said, was to help the cause. Previous to his reference to the United States, Dasch had indicated that he intended to be dropped in Ireland by parachute.

Von Schaible also stated that during a conference with Dasch and Colonel Ristine, Attorney for Dasch, at Washington, D. C., Dasch had stated that he had seen the girl who ran Von Schaible's house in Germany after the latter's departure. With regard to this statement of Dasch, Von Schaible remarked, "I think he knew exactly that when I got back to this country I would make a report on him as soon as I could. He is so melodramatic. On the other hand, I couldn't quite believe that he had met this girl because I had told her not to tell anyone where I was. He must have been awfully persuasive."

Continuing, Von Schaible stated, "I feel that the fact that Dasch learned I was returning to the United States may have caused him to reach a decision to divorce himself of this sabotage plan. According to my information it was four days after I left that he learned of my departure. He said that he had been there on the 19th. Dasch told me during our interview in Washington that he had met William Linge on May 19, and had become cognizant of the fact that I was on my way to the United States. In all probability Dasch would not have been able to contact my housekeeper until the 20th, at which time I had crossed the Spanish-French border."

Von Schaible was called as a defense witness in the trial before the Military Tribunal and was interviewed by Colonel Ristine separately as well as in the presence of Dasch. An effort was made to have Von Schaible testify that as a result of his experience and association with Dasch in Germany, he

Memorandum

had formed the opinion that Dasch was not a Nazi and further that Dasch had exhibited pro-American sympathies. Von Schaible allegedly refused to testify in this manner and told Dasch that he considered the latter to be a good German who would do anything for Germany. Presumably as a result of these interviews Von Schaible was not called as a defense witness.

MEMORANDUM

ERNEST PETER BURGER

This subject was born September 1, 1906, at Augsburg, Germany. In 1921 he was a member of the Frickkorps, a volunteer youth group which was organized to fight the Poles who were then invading Germany. In 1923 he became a member of the German National Socialist Labor Party (NSDAP), but in 1927 the Party experienced difficulty in Germany and Burger, believing that he would be killed if he remained in Germany, proceeded to the United States. He sailed from Bremen February 15, 1927, and arrived in the United States February 29, 1927, at New York City on the SS Muenchen. He traveled on a Quota Immigrants Visa issued January 21, 1927, by the American Consul at Stuttgart, Germany.

Burger filed his Declaration of Intention for citizenship September 16, 1927, and on April 18, 1932, he filed his Petition for citizenship while residing in South Milwaukee, Wisconsin. On February 14, 1933, the Circuit Court, Milwaukee, Wisconsin, issued his Certificate of Naturalization. It is interesting to note that Burger had this certificate in his possession when he landed with the other German saboteurs at Amagansett, Long Island, June 13, 1942. It is also to be noted that as a citizen of the United States Burger is subject to possible denaturalization proceedings by reason of the fact that he did not report to the American Consul in Germany at any time after his return there in 1933.

The family of Burger consists of his Mother and Father, Max and Johanna Burger, Buerzburg, Germany, and a sister, Mrs. Ann Dantanello, Buerzburg, Germany, whose husband, Josef, is a German Government employee. Theresa Weiss, Carrollville, Wisconsin, is a distant relative of his Mother and has not been seen by Burger since 1933. Burger married Bettina Luscher, his secretary, after he graduated from the University of Berlin in July, 1939. She is now with his parents in Buerzburg.

During the time Burger was in the United States, 1927-1933, he was employed at Milwaukee, Wisconsin; Detroit, Michigan, and Harvey, Illinois, as a die maker and machinist.

On June 17, 1931, Burger enlisted in the Michigan National Guard at Detroit, being a Private First Class. On October 21, 1931, he was honorably discharged inasmuch as he was returning to Milwaukee, Wisconsin, to live. He enlisted in the Wisconsin National Guard at Milwaukee November 26, 1931, and was honorably discharged June 1, 1933, when he returned to Germany. This discharge was forwarded to him in Germany at Augsburg by letter of September 30, 1933, by his Company Commander, based on a request of Burger in a letter of September 18, 1933. Burger possessed both the above-mentioned discharges at the time he landed in the United States June 13, 1942.

Memorandum

At the time of Burger's return to Germany on the SS Hamburg in July, 1933, he was unemployed and therefore his transportation was paid by his parents. Upon his arrival in Germany at that time he resumed his connection with the NSDAP at Augsburg, Germany, later moved to Munich and finally was transferred to Berlin. While in Munich he was attached as Aide-de-Camp to the staff of Ernest Roehm, National Head of the Storm Troopers (S.A.), right-hand man to Hitler.

On June 30, 1934, Ernest Roehm was purged by Heinrich Himmler and Burger claims he then fell into disrepute with the NSDAP. At the time of the purge Burger had been assigned to the Medical Division of the Storm Troopers under Ketterer, who retained the confidence of Hitler. The Storm Troopers then were in very great disrepute and its membership subjected to many indignities, suspicions and arrests. Many of the members, however, remained loyal to the ideals of Roehm. Burger stated that it was at this time he decided to leave Germany as soon as he could devise a way to do so. Burger admits having taken part in street riots and killings involving the Communists in the early activities of the Party and also admits his participation in similar activities with the opposing faction of the NSDAP. He also admits the killing of at least one of the SS group who met him and called him a traitor, referring to the activities of the old SA group.

A short time later Burger became a writer for the Propaganda Bureau of the German Government and accepted assignments in Czechoslovakia, Austria and Poland. He submitted various reports as to the conditions in these areas and during the time he was in Poland submitted a report criticizing the Gestapo. He was arrested by the Gestapo on March 4, 1940, at Lipno, Poland, and thereafter was imprisoned in Poland and in Berlin for Seventeen months. Upon his release July 22, 1941, he was forced to join the Germany Army.

Burger has stated that prior to these incidents he had offered his services to the Intelligence Division of the German High Command in Berlin for any type of service in the United States. He indicated it was his idea that he would thus get out of Germany with the further thought of opposing the German regime. After the declaration of war between the United States and Germany, he states he felt that he could possibly serve the United States inasmuch as he was a citizen.

After entering the German Army in 1941, Burger was assigned to guard prisoners of war at camps in the vicinity of Berlin. On April 5, 1942, he received a letter advising him to turn in his uniform and report to the office of the High Command in Berlin. At that time he met Lieutenant Walter Kappe, who, he learned, was head of the espionage and sabotage activities directed against the United States. Burger was assigned to the Army Headquarters at Brandenburg, Germany, and reported at the sabotage school April 11, 1942. It was at this place that he was first advised that he would be assigned to the United States for the purpose of engaging in sabotage and terroristic practices.

Memorandum

Burger attended school from April 13, to April 30, 1942. His knowledge of this course of training and all the details thereof indicates he was apparently a very good student during the training period. Thereafter he and the other members of the school were on vacation from May 1, to May 12, 1942, and on the latter date reported back to Berlin where they received additional instructions and were equipped with uniforms, explosives and devices prior to proceeding to Paris May 22, 1942.

On May 25, 1942, Burger and his associates left Paris and arrived at Lorient, France, May 27, 1942. The group of which Burger was a member was led by George John Dasch and departed from Lorient May 28, 1942, with the objective of landing on Long Island, New York. The other group of which Burger had knowledge was headed by Edward Kerling and departed from Lorient, France, May 27, 1942, with the objective of landing in Florida.

The saboteur group of which Burger was a member together with George John Dasch landed at Amaganset, Long Island, June 13, 1942. After purchase of clothing in Jamaica, Long Island, he and Dasch registered at the Governor Clinton Hotel, New York City. They met Heinrich Harm Heinck and Richard Quirin that afternoon at 3:00 p.m. at the Horn and Hardart Automat. They spent the night at the Governor Clinton Hotel and on Saturday night, June 13, 1942, Dasch first brought up the discussion as to the possibilities of disclosing the activities of the saboteurs to the authorities.

On Sunday, June 14, 1942, Dasch and Burger continued their discussions of this plan and as to what they should do. They overlooked a meeting which had been arranged for 1:00 p.m. with Heinck and Quirin. However, on Sunday night at 8:00 p.m. they kept the appointment at Grant's Tomb with Heinck and Quirin. Thereafter when returning from this meeting at about 7:50 p.m. Dasch made the call to the FBI office at New York. Burger was with him but did not hear the conversation.

They spent the night of June 14, 1942, at the Governor Clinton Hotel and on Monday, June 15th, they shopped for clothing and had dinner at the Iceland Restaurant where Burger again met Danny Doyle and Mike Larson; he, Burger, and Dasch having previously seen Danny Doyle on Saturday night, June 13, 1942, when they had dinner at the Iceland Restaurant. On June 15, 1942, they were together until 11:00 p.m. when Burger returned to the hotel to spend the night and Dasch departed, indicating that he was going to see some of the boys. Thereafter Burger did not know where Dasch was located from 11:00 p.m., June 15, 1942, until sometime after 7:00 a.m. the morning of June 17, 1942, which period of time Dasch spent, according to his claim, entirely at the waiters club playing cards.

Memorandum

On Tuesday, June 16, 1942, Burger, not being able to reach Dasch, met Heinck and Quirin at the Automat. At this time they advised they had been staying at the Hotel Martinique and had moved to 149 West 76th Street, a rooming house. On this date Burger purchased a Leica camera and equipment for \$180.

On June 17, 1942, Wednesday, shortly before noon, Burger again visited Heinck and Quirin at 149 West 76th Street. He made excuses for Dasch not being present and there was some feeling between them in that Quirin particularly resented the activities of Dasch.

On Thursday, June 18, 1942, Burger and Dasch had breakfast together and Dasch told him to visit Heinck and Quirin and that he, George, would probably leave for Washington in the afternoon. When he, Burger, returned to the hotel there were two letters at the desk for him, one his paid hotel bill and the second a note from George saying he was on his way to Washington. Thereafter he saw Heinck and Quirin again and told them that George had left and on this night he with Quirin went out and visited various night spots, after which Quirin returned to the Governor Clinton Hotel and was checked into room 1422 for the night.

On Friday, June 19, 1942, Burger and Quirin had breakfast together and on Friday night he, Burger, visited Heinck and Quirin again when they had dinner and all then returned to Burger's room at the hotel. It was at this time that Heinck and Quirin found the letter from Dasch to Burger indicating he had gone to Washington. They read this but said nothing to Burger as to finding such letter. Burger spent the night in his room at the Governor Clinton Hotel.

On June 20, 1942, Saturday, he was in his room until 3:00 p.m. when he met Heinck and Quirin at the Rogers Peet store on Fifth Avenue and 43rd Street and then returned to his hotel where he was picked up by the Bureau at about 5:00 p.m.

With reference to situations wherein Burger may have been negligent in reporting his knowledge of the sabotage mission, it is to be noted that after the arrival of Burger in the United States, June 13, 1942, with his alleged determination to injure the Nazi Party, he did nothing to disclose the activities of the saboteurs until he was apprehended about 5:00 p.m., June 20, 1942, other than his discussion and agreement with George John Dasch that he, Dasch, would proceed to Washington and report the matter to proper authorities there. In extenuation of this situation Dasch indicated to Burger that he, Dasch, would take care of everything in connection with reporting this matter to the proper authorities.

Memorandum

In connection with the call made to the FBI Office in New York on Sunday morning, June 14, 1942, Burger advises that it was agreed between him and Dasch that Dasch would call the Office; that Dasch did call the Office and thereafter informed Burger that he had done so and that he was going to Washington on Thursday to see Mr. Hoover. Dasch pointed out that he had requested the individual he contacted in New York to make a record of the call and that he, Dasch, had given the name of Franz Daniel Paetorius in conformity with their agreement as to the manner of handling the situation. For this reason Burger assumed that Dasch was making the necessary arrangements in a proper manner. Burger further explained that Dasch did not call at the Bureau Office in New York as they had been advised at the German sabotage school that all FBI offices, with the exception of Washington, were being watched.

In connection with the delay in reporting anything while he, Burger, was standing by without knowledge of the location of George John Dasch from 11:00 p.m., June 16, 1942, to 7:00 a.m. June 17, 1942, Burger stated he was awaiting the action Dasch indicated he would take. He indicated that Dasch had suggested the plan to him in the first instance and he therefore followed Dasch, whom he respected more or less as a leader in the project.

In connection with situations which reflect favorably upon Burger, it is to be noted that when Burger was picked up and brought to the Bureau Office at New York June 20, 1942, he answered fully and truthfully all questions put to him. He requested no promises or rewards for furnishing information, and he indicated in detail his knowledge of the NSDAP and his activities in Germany, as well as his reasons for being opposed to them. Burger's original statement of June 23, 1942, reflects in detail his personal history, his knowledge of the NSDAP, the full and complete identity of all persons connected with the sabotage plot, the full details as to the instruction he received and as to what he was to do in the United States, as well as to the details which would assist in locating the other saboteurs. Burger's statement is definite and clear cut. He did not endeavor to sell information for his own purposes and never made any suggestions as to any promises or rewards he expected for the information he furnished. His advice as to the other subjects and their possible activities and his individual descriptions were exact and were readily given. His descriptions and drawings of the devices were in detail and much more satisfactory than those furnished by other subjects, including Dasch.

During the trial of these subjects, whereas Dasch had refused to testify some time before the trial started and had definitely refused after counsel had been appointed for him, Burger agreed to testify for the Government notwithstanding the advice of the counsel appointed for him and despite his counsel's insistence that he should not do so. It is believed that if he had been requested to do so, Burger would have testified for the Government contrary to the advice of his counsel.

Memorandum

After the trial and subsequent to the imposition of the sentence, Burger remained very friendly and cooperative, whereas George John Dasch was very bitter and angry towards the FBI. For approximately eight weeks after the trial Special Agent Charles F. Lammann talked with Burger daily and Burger furnished in great detail information as to all matters which had been covered previously with him. At those times he also covered in detail questionnaires which were submitted by the British Intelligence, Military Intelligence and Naval Intelligence. These questionnaires covered numerous topics. Burger also prepared written accounts of various topics and at all times he endeavored to intelligently cover any subject matter which might be of interest to this country in its efforts against the Nazis.

During this time Burger also covered in great detail the organization of the NSDAP. He indicated he was a very well-informed individual and furnished considerable information which had not been brought previously to our attention. After his removal to the United States Penitentiary at Atlanta he was engaged for some time in translating the 1940 yearbook of the NSDAP, and he submitted biographical sketches of various leading members of the Nazi Party.

Burger has indicated that he realized the Bureau could do little else but prosecute him at the time he was apprehended during a sabotage mission. He has indicated he has faith in the Bureau and that he will receive just treatment. He has further indicated a desire to return to Germany after the war, in an under-cover capacity, where he has a large group of friends who are in the same position he was in prior to his departure from Germany and who are opposed to the Nazi Party. He believes that he could be of great value to the United States as he expects there will be a definite underground movement on the part of the Nazi Party to survive with the hope that they will eventually gain control in Germany again. He feels that through his associates in Germany he would be in a position to furnish information regarding the underground continuance and development of the Nazi Party.

In 1942, 1943 and 1944, Burger, without promise of reward of any kind, agreed to testify for the Government in the trials of various persons charged with treason at Chicago and New York, and as a result he testified in the following instances:

1. At the trial in Chicago of Hans Max Haupt and five others for treason in 1942

Memorandum

2. At the trial of Helmut Leiner, treason, New York, 1943
3. At the trial of Anthony Cramer, New York, for treason, 1943.
4. At the second trial of Helmut Leiner for trading with the enemy, New York, 1943.
5. At the second trial of Hans Max Haupt, treason, Chicago, 1944.

In the trials of these various subjects he testified truthfully and intelligently was a very good witness although he was subjected to considerable harassment by defense counsel. This was a definite sacrifice upon the part of Burger inasmuch as his father, mother and wife are still in Germany. It is believed the services rendered by Burger in testifying in these various trials warrant considerable consideration as to his good intentions and as to the services rendered to the United States. It would have been difficult to present these treason cases and show the enemy character of the persons, namely the saboteurs, with whom the associates were charged with collaborating unless Burger had so testified. Dasch, it is to be noted, while he might have been agreeable to testifying, is of such an emotional high-strung character and of such an unpredictable nature as to make it impossible and impracticable to use him as a witness.

Memorandum

GENERAL

It is noted that both Dasch and Burger made claims they did not intend to carry out their sabotage mission. In his various statements Dasch explained at great length that when he arranged to come to the United States he intended to disclose the sabotage plot to officers of the United States and had no intention to commit sabotage. His objective was alleged to be merely injury to the Nazi regime with which he was not in agreement. He stated he considered Burger as possibly being a person who would agree with him before they left Germany; however, he did not approach Burger in Germany. He explained his position to Burger after their arrival in the United States on June 13, and 14, 1942, and Burger agreed with him, indicating that he, Burger, was definitely opposed to carrying out their instructions and was desirous of having the situation reported to the American authorities.

In connection with individuals indicated by both Burger and Dasch as persons who would be favorable to them and aware of their good intentions, the names of William Polk Von Schaible and Eva Chuets were cited. With reference to Dasch, Von Schaible would not bear him out and, in fact, reacted against him. Burger's situation as disclosed by Eva Chuets, alias Eva Schultz, was somewhat different. Burger had indicated that Miss Chuets was aware of his desire to leave Germany in 1934, at which time they lived at the same rooming house in Berlin, Miss Chuets then being secretary to the Chief of the Associated Press Bureau. Burger stated he was quite friendly with Miss Chuets and advised her of his desire to leave Germany in 1934, at which time he had requested her assistance or the assistance of her friends in helping him escape from Germany. When interviewed concerning these matters, Miss Chuets first stated she did not know Burger very well but had spoken to him once or twice on unimportant matters. On a second interview she indicated she knew of Burger's being involved in the Communist riots and various conflicts in Germany prior to the Nazi regime and that he had been in the Nazi Party from its beginning. She further stated that Burger had indicated how much he loved America, which he considered the only place in the world in which he really wanted to live. Miss Chuets indicated she was not particularly fond of Burger, but that he was a very agreeable and pleasant person. She seemed particularly anxious that her name not become

Memorandum

involved in the trial of this case in July, 1942, and it is possible that her version of her association with Burger is somewhat colored by her fear of becoming involved in publicity because of her job with the Associated Press.

It appears that Burger probably had more justification for his hatred towards the Nazi Party and in particular the Gestapo because of his treatment and imprisonment. Dasch, however, could point to no particular undesirable action taken against him while he was in Germany. He has never admitted, as is suspected, that he is a Communist, which might justify his hatred for the Nazi Officials.

In conclusion, it is to be noted that either or both Dasch and Burger could have quietly disappeared with the \$62,550 they possessed after their arrival in the United States and without advice to anyone if they had been interested only in self-saving purposes. However, as to this, fear may have had considerable to do with their failure to take such action, either by reason of their fear of possible consequences in the United States, or retaliatory action by the German officials.

UNITED STATES DEPARTMENT OF JUSTICE
Bureau of Prisons
Washington 25

CONFIDENTIAL

August 4, 1947

MEMORANDUM FOR THE SOLICITOR GENERAL

Re: Ernest Peter Burger, #C2727-A
George John Dasch, #1536-L

In compliance with your request of July 21, 1947, we wrote the wardens of the United States Penitentiary, Atlanta, Georgia and the United States Penitentiary, Leavenworth, Kansas, requesting that they obtain the reaction of Dasch and Burger to the proposal that they be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor.

I am enclosing copies of the replies from Wardens Sanford and Hunter. You will note that Warden Sanford states that Burger is agreeable to any plan worked out by the government which will effect his release and return to Germany. Mr. Sanford also has some comments to make regarding Dasch, who was formerly a prisoner at Atlanta.

Warden Hunter stated in his letter of July 28, 1947 that, "I have had quite a lengthy conversation with Dasch regarding this matter. I thought it best to have him state his reaction in writing, copies of which I am forwarding to you for whatever use you may care to make of them."

I am enclosing a copy of Mr. Loveland's letter to Warden Hunter in order that you may know exactly what Dasch refers to in his statement.

/s/ A. H. CONNER

A. H. CONNER
Acting Director

Encs.

Encl 5

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Department of Justice

Please Reply
in Duplicate

UNITED STATES PENITENTIARY

Atlanta, Georgia

Mr. Loveland - Bureau

Ernest Peter Burger, #62727-A

July 25, 1947

PERSONAL AND CONFIDENTIAL

Dear Frank:

In accordance with your letter of July 23, 1947, I interviewed Burger this morning regarding his reaction to the tentative plan to return him and Dasch to Germany as prisoners in army custody and there be released subject to parole under the supervision of the United States Commanding General as Military Governor. I discussed the pros and cons very thoroughly with Burger. This is the third or fourth time I have talked with him regarding tentative plans. He is entirely agreeable to any plan worked out by the government which will effect his release and return to Germany at the earliest possible moment.

He would much prefer to be released on parole under the supervision of the Department of Justice here and the Bureau of Prisons in Germany. I believe this desire springs from his rather unsatisfactory experience with army authorities during his trial. Nevertheless he states that if returned to Germany by the army and released on parole, he will rigidly adhere to the conditions imposed on him.

Somewhere along the line I believe that sight has been lost of the tremendous job this man did for our country in reporting of the presence of these groups of saboteurs in this country and then by giving full cooperation to the FBI throughout the war. I don't know what the FBI records show but I do know that I was advised on several occasions by FBI operators in close contact with Burger and they stated unequivocally that his assistance was timely and of great benefit. Furthermore, he testified in a number of court cases which resulted in convictions of saboteurs and espionage agents practically on his testimony alone. That some of these convictions were set aside by Courts of Appeal was no fault of his. His conduct here under very unfavorable circumstances has been exemplary. He has been a diligent worker. He has cooperated with me and the institutional officials in every respect, and he has courage equal to any man I have ever known or heard of. He is straight forward and I believe is honest and has the interests of this country at heart. He has developed himself into a first-class artist during his stay here and could make a living at it on the outside. Over and above

Mr. Loveland

- 2 -

7/25/47

every other consideration, insofar as our country is concerned, he is a walking encyclopedia with respect to the Nazi party and the Nazi program in Germany. He knows by name and by sight all of the Nazi members and from what I can ascertain from him he knows that many of these who are now unknown to the authorities and who are in responsible positions in Germany were actively leading members of the Nazi regime.

It, therefore, seems to me that we should expedite this man's return to Germany under decent conditions and there provide employment for him in the army set-up, either as one of the supervising group over those Nazi and other German malefactors who are on parole or conditional release, or more importantly, as an investigator of matters coming to the attention of the army authorities in connection with Nazi activities. He is intelligent enough to do a good job and in my opinion such employment will repay us many times over. I hope you will pass this along where it will do the most good.

On the other hand, I have no confidence in Dasch and I am firmly convinced that he does not have the interests of this country at heart. He is a communist, trouble maker, bitter because he was not immediately released following the trial by military commission, and I predict if released to Germany, will not be in the American Zone any longer than it takes him to traverse it to the borders of the Russian Zone. I think it is well that I point out also that from the close of the military commission trial I do not know of a single instance where he assisted this country in any respect. If, however, Dasch is returned to the American zone in Germany and does not go immediately to the Russian zone, he should be kept under unrelenting surveillance as in our opinion his remaining in the American zone will be for the purpose of acting as an espionage agent for the Russian interest.

Sincerely,

Joseph W. Sanford
Warden

July 28, 1947

TO: Warden Hunter

I, the undersigned, have carefully read the letter addressed to Mr. Hunter, Warden, dated July 23, 1947. I must conclude that the gist contained in the first paragraph stands in contradiction to the proposition made by the Honorable Tom C. Clark, United States Attorney General, to the effect that Dasch would be released if he voluntarily accepted deportation. Inquiries were made as to the exact definition and further on the status of Dasch on his return to Germany, and he received the assurance that, and here I quote the Attorney General that "Dasch would be free as long as he is law abiding."

I have complied with the condition as proposed by the Attorney General, namely not to contest deportation, and consequently measures and procedures have been completed towards my deportation to the effect and fact that on the tenth of July I was furnished with a copy of the order of deportation by the Department of Justice, The United States Immigration and Naturalization Service. Therefore, it seems to me that the gist in the first paragraph of the letter to which we refer, is a matter of contradiction. To be really frank, this is exactly what I was afraid about, namely to be in custody of an authority where the plan of appeal and any other legal process can be denied to me, and furthermore, I categorically state that the last line which says that I am to be under supervision of the United States Commanding General as Military Governor, to assure against any further acts of hostility or sabotage, is a position taken that is a contradiction to facts, as I have at no time ever committed acts of hostility or sabotage against the people or the interests of the people of the United States. In contrast, I have committed acts that were to the exclusive benefit of the people of the United States, and for which if I had failed I would have paid with my life at the hands of those who America and other Nations fought and defeated, namely the Nazis.

The proposition made in this letter I cannot accept for the following reasons:

First: It interferes with the proposition made by the Attorney General.

Second: I have accepted the condition of deportation and have been furnished not only with an order of deportation, but also with a

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copy of a warrant of arrest.

I have had no desire or intention to remain as a resident in the United States. I wish here and now to renew again my statement that I made on my arrival in Washington, D.C., 1942, that it has always been my desire to return to Germany, but in face of facts and that as a person legally recognized as the friend of the people of the United States in contrast to that of an outright enemy as to the proposition in this letter would make me to be.

/s/ GEORGE JOHN DASCH
George John Dasch
Reg. No. 61536-L

July 23, 1947

Personal & Confidential

Warden Hunter, Leavenworth

George John Dasch, #61536-L

Dear Warden Hunter:

We have received a confidential communication from the Acting Solicitor General stating that it has been proposed that both Burger and Dasch be returned to Germany as prisoners in Army custody and that they be released there subject to parole under the supervision of the U. S. Commanding General as Military Governor to insure against any possible further acts of hostility or sabotage.

Mr. Washington has requested that we ascertain Dasch's reaction to this proposal. It should be made clear to him that there is no legal method by which he can remain in this country, because even if he were unconditionally released from confinement, he would be subject to deportation as an alien who entered the country without proper papers. It should also be made clear that the plan is still in a tentative stage.

Will you let me know as soon as possible after you have talked with Burger.

FRANK LOVELAND
Assistant Director

3

INT. MAIL ROOM

File 46/1139

WAR DEPARTMENT GENERAL STAFF

MEMO ROUTING SLIP

TO Lt. Col. Hoover DATE 5 Nov 1947
 OFFICE BUILDING
 1. ATTENTION EWS ROOM 3c488

2. 4.
 3. 5.

REMARKS

Gen Hoover:
 CAD adopted our draft
 of letter, copy of final
 attached.
 WWS

General Board EWS [Signature]

FROM: CAD OFFICE
 NAME
 PHONE BUILDING ROOM

31 October 1947

~~CONFIDENTIAL~~

General Lucius D. Clay
Commander-in-Chief
European Command
APO 742, c/o Postmaster
New York, New York

Dear Lucius:

Ernest Peter Burger and George John Dasch are two of eight saboteurs who landed from German submarines on the Atlantic coast of the United States in 1942. All were apprehended, tried by a military commission appointed by the President, and convicted of violations of Articles of War 81 and 82 and of conspiracy to commit these offenses. Petitions for writs of habeas corpus were denied by the Supreme Court of the United States (*Ex parte Quirin*, 317 U.S. 1).

Dasch and Burger reported the presence of the groups to the Federal Bureau of Investigation and disclosed facts and information sufficient to support the convictions. In consideration of their activities in bringing about the apprehension and conviction of their six co-saboteurs, discussions have been in progress between the Department of the Army and the Department of Justice looking toward their release from confinement. The position of the Attorney General is expressed in the concluding paragraph of the Memorandum of the Assistant Solicitor General dated 8 October 1947 (incl 3).

It is now contemplated that, with the concurrence of the Department of the Army and the Theater Commander, the Attorney General will recommend that the President direct that Dasch and Burger be returned to military custody, be transported to Germany and, upon arrival in that country, be released from confinement.

In furtherance of this proposal the Assistant Solicitor General has inquired:

"(1) Whether Dasch would be a security problem in the American Zone of Occupied Germany if he were released there unconditionally and not under parole, and (2) whether Burger would be given employment by the American Military Government in counter intelligence work, or other employment for which he is fitted."

Automatically Regarded UNCLASSIFIED
Authority E.O. 12065
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

A copy of the Assistant Solicitor General's request dated 17 September 1947, is inclosed (Incl 1). The Assistant Solicitor General has been advised that his inquiry will be answered after receipt of your comments and recommendations.

I am attaching summaries of the activities of these men and other statements (Incls 2-5) which I hope will give you sufficient information and background to comment upon and answer the inquiry of the Assistant Solicitor General.

Sincerely yours,

5 Incls (in dup)

1. Copy ltr 17 Sep 47,
Asst Solicitor Gen
to Sp Asst S/A
2. Summary of Info, Mid, 23 Oct 47
3. Memo from Asst Sol Gen to Col
Voorhis, 8 Oct 47
4. Copy Memo from Dir FBI to Atty
Gen 28 Oct 44
5. Copy memo from Actg Dir Bureau
of Prisons to Sol Gen, 4 Aug 47,
w/copy incls.

DANIEL NOCE
Major General, GSC
Chief, Civil Affairs Division

~~CONFIDENTIAL~~

WAR DEPARTMENT

P. O. Box 626,
San Diego 12,
California,

1947 NOV 19 AM 11 51
November 11, 1947.

William D. Harney
Secretary to the President

The Honorable

The President of the United States of America,
Washington, D. C.

Sir:

I have the honor to refer to the rather comprehensive and self-explanatory letter which I addressed to you under date of August 13, 1947, inquiring whether it might not be possible for me to obtain through the White House a report on the present status of George Dasch and Ernest Burger, who were imprisoned in 1942 ostensibly as "Nazi saboteurs" but whose acknowledged and proven intentions were to cooperate with the United States against Nazi enemies. As I have failed thus far to receive the desired information (or any acknowledgment of my communication above referred to) and have furthermore received no reply to my latest letter to the War Department concerning the cases of these two men, I take the liberty of requesting you again to advise me as to their status, relative to which the Judge Advocate General, Major General Thomas H. Green, wrote me, under date of September 24, 1946 (1946): "The question of clemency for George Dasch and Ernest Burger, German saboteurs, is still under consideration"

If these two men are still in prison, despite the useful, even vital, information that they gave our Government, thus thwarting the activities in the United States of a group of trained sab-

2 NOV 47 AM



U.S. ARMY

- 2 -

oteurs, I should like at least to be apprised of that fact, and
thank you in advance for your courtesy in endeavoring to expedite
the official report on the matter.

Respectfully yours,

Harris N. Cookingham
Harris N. Cookingham.

~~CONFIDENTIAL~~

3 DEC 1947

JAGJ 1946/1139

3 DEC 1947

MEMORANDUM FOR: THE SECRETARY OF THE ARMY, ROOM 3E-880, THE PENTAGON

SUBJECT: Ernest Peter Burger and George John Dasch, German Saboteurs -
Extension of Clemency

1. Reference is made to your memorandum to me, dated 3 January 1945, in which you direct that I handle the matter of John Dasch direct with the Department of Justice without referring to you any of the decisions that may be made.

2. Inclosed is a copy of a letter to the Attorney General in which on behalf of the Department of the Army I recommend that Dasch and Ernest Peter Burger be returned to Germany by the Department of the Army and, upon their arrival, that the unexecuted portions of their sentences be suspended upon such conditions with respect to travel, employment, and political activities as the Theater Commander may impose. I further recommend therein that the Theater Commander be requested to submit his recommendations with respect to remission of the unexecuted portions of these sentences each six months thereafter.

1 Incl
Copy Ltr to Attorney
General from TJAG

Thomas H. Green
THOMAS H. GREEN
Major General
The Judge Advocate General

[Handwritten signature]

*Automatically Regraded UNCLASSIFIED
Authority E.O. 12065*

[Handwritten initials]
VOORHIS, NR/abh

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DEPARTMENT OF THE ARMY
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DEC 3 1947

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Department of the Army
I.A.G.C.

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THE UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535
MEMPHIS, TENN. 38003

[illegible]

გეოგრაფიკული მდებარეობა და უბანი.

1. The Government of the United States of America, in and through the Department of State, hereby certifies that the above-named individual is a member of the Communist Party of the United States of America, and that he is a member of the Communist Party of the United States of America, and that he is a member of the Communist Party of the United States of America.

DISCUSSION OF CRIMINAL
 SUBJECT: Ernest Earl Butler and people from Denver - Denver, Colorado
 DISCUSSION MON: AND SECURITY ON THE VISA - MOON 25-880 - THE 1-11-11-11

709 2046 V123

3 DEC 1994

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WAR DEPARTMENT

DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

~~CONFIDENTIAL~~

FILE No. WDSCA 000.5
(30 Oct 47)

SUBJECT
German Saboteurs - Burger and Dasch

TO Judge Advocate General FROM CAD
ATTN: Brigadier General Hoover

DATE 24 Nov 1947
Mr. Blumberg/72002

COMMENT No. 1

1. Reference is made to memorandum JAGJ 1946/1139, dated 30 October, subject: Dasch and Burger, German Saboteurs.

2. Attached for your information and further action is a copy of a letter received by this Division from General Clay concerning the above subject.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:

1 Incl
Cy ltr fm Gen Clay
dtd 13 Nov 47 to
Chief, CAD

Leonard L. Snodgrass
LEONARD L. SNODGRASS
Lt. Col., GSC
Ass't. Executive

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Authority E.O. 12065

~~CONFIDENTIAL~~



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CONFIDENTIAL

WDSCA 000.5
(30 Oct 47)

German Saboteurs - Burger and Dasch

Judge Advocate General
ATTN: Brigadier General Hoover

CAD

24 Nov 1947
Mr. Blumberg/72002

1. Reference is made to memorandum JAGJ 1946/1139, dated 30 October, subject: Dasch and Burger, German Saboteurs.

2. Attached for your information and further action is a copy of a letter received by this Division from General Clay concerning the above subject.

FOR THE CHIEF, CIVIL AFFAIRS DIVISION:

1 Incl
Cy ltr fm Gen Clay
dtd 13 Nov 47 to
Chief, CAD

LEONARD L. CROSS
Lt. Col., GSC
Ass't. Executive

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Authority E.O. 12065

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13 November 1947

Major General Daniel Noce
Chief, Civil Affairs Division
Department of the Army
Washington 25, D. C.

Dear Dan:

I have considered the cases of the two German saboteurs, BURGER and DASCH, to whom you referred in your letter of 31 October 1947.

From the summaries of the activities of these men, which you attached to your letter, it would seem that cases are entirely different and should be handled separately.

BURGER, it appears, is intelligent, cooperative, and does not bear a grudge. In addition, he is unusually well-informed on the Nazi Party, and could be used to good advantage by our counterintelligence people. In his case, it is recommended that he be returned to Germany under a new name.

DASCH, on the other hand, is a communist and a potential trouble-maker. Since he is embittered by real or fancied mishandling, he would undoubtedly offer his services to the Soviets. His presence in Germany would entail special surveillance, which is of course not desirable. While it is not recommended that DASCH be returned to Germany, his security risk is limited and not sufficient to warrant a special effort to retain him in the United States if it is a matter of commitment to return him to Germany.

Sincerely yours,

LUCIUS D. CLAY
General, US Army

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Authority E.O. 12065*

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13 November 1947

Major General Daniel Noce
Chief, Civil Affairs Division
Department of the Army
Washington 25, D. C.

Dear Dan:

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Sincerely yours,

LUCIUS D. CLAY
General, US Army

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Authority E.O. 12065*

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~~CONFIDENTIAL~~

XXXXXXXXXXXXXXXXXXXX

3 DEC 1947

JAGJ 1946/1139

8 DEC 1947

The Honorable

The Attorney General

Dear Mr. Attorney General

Reference is made to the letter of the Assistant Solicitor General, addressed to the Special Assistant to the Secretary of War, dated 17 September 1947, in which the following questions were asked with respect to Ernest Peter Burger and George John Dasch, German Saboteurs:

"We have discussed -- the problems raised by the possible return of these men to Germany. It would be helpful if this Department could be definitely advised as to the attitude of the War Department respecting (1) whether Dasch would be a security problem in the American Zone of Occupied Germany if he were released there unconditionally and not under parole; and (2) whether Burger would be given employment by the American Military Government in counterintelligence work, or other employment for which he is fitted."

In response to an inquiry General Lucius D. Clay, commanding the United States Forces in Europe, on 13 November 1947 wrote his views to Major General Daniel N. Coe. A copy of his letter is inclosed. It appears that Burger would be considered by General Clay for employment in counterintelligence activities. General Clay recommends that Burger be returned to Germany under a new name. It also appears that General Clay considers that Dasch would constitute a security problem and would require special surveillance.

The Secretary of the Army, Honorable Kenneth C. Royall, represented certain defendants at the trial in the course of which Burger and Dasch were convicted, but did not represent Dasch. Secretary Royall feels that in view of his connection with the trial he should not participate in any consideration or discussion of these cases. He has instructed me to take such action as may be appropriate.

Automatically Regraded UNCLASSIFIED
Authority: MPE.0.12065
VOORHIS, NR/abh

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

JAGJ 1946 1139 - The Attorney General

It is recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany, by direction of the President, the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require. It is further recommended that the Theater Commander be requested to submit his recommendations with respect to remission of the unexecuted portions of these sentences, each six months thereafter. I also recommend that consideration be given to authorizing Burger to return to Germany under a new name.

Sincerely yours,

Thomas H. Green

THOMAS H. GREEN
Major General
The Judge Advocate General

1 Incl
Copy Ltr from Gen Lucius
D. Clay, 13 Nov '47 to
Maj. Gen. Noce

REC'D
Department of the Army
WASHINGTON
NOV 19 1947

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DEC 3 47 AM



DISPATCHED
Department of the Army
I.A.G.O.

REF: GEN: ROSS
D: CIVIL: IS HOA: FBI CO
CONA TEL: LLOAN GEN: PROXIMA
I: INGT

THE FIRST VARIOUS GENERAL
 FIRST GENERAL
 SECOND H. GENERAL

С. П. КОЗЛОВ

to understand better the reason for Germany's action in the East.
 The Commission will be composed of representatives of the United
 States, Great Britain, France, Italy, Japan, and the Soviet Union.
 The Commission will be headed by the United States representative.
 The Commission will be authorized to investigate the situation in
 the East and to report to the League of Nations.
 The Commission will be authorized to make recommendations to the
 League of Nations regarding the situation in the East.
 The Commission will be authorized to make recommendations to the
 League of Nations regarding the situation in the East.

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~~CONFIDENTIAL~~

13 November 1947

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Major General Daniel Noce
Chief, Civil Affairs Division
Department of the Army
Washington 25, D. C.

Dear Dan:

I have considered the cases of the two German saboteurs, BURGER and DASCH, to whom you referred in your letter of 31 October 1947.

From the summaries of the activities of these men, which you attached to your letter, it would seem that cases are entirely different and should be handled separately.

BURGER, it appears, is intelligent, cooperative, and does not bear a grudge. In addition, he is unusually well-informed on the Nazi Party, and could be used to good advantage by our counterintelligence people. In his case, it is recommended that he be returned to Germany under a new name.

DASCH, on the other hand, is a communist and a potential trouble-maker. Since he is embittered by real or fancied mishandling, he would undoubtedly offer his services to the Soviets. His presence in Germany would entail special surveillance, which is of course not desirable. While it is not recommended that DASCH be returned to Germany, his security risk is limited and not sufficient to warrant a special effort to retain him in the United States if it is a matter of commitment to return him to Germany.

Sincerely yours,

LUCIUS D. CLAY
General, US Army

Automatically Regraded UNCLASSIFIED
Authority E.O. 12065

~~CONFIDENTIAL~~

C
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DEPARTMENT OF THE ARMY
XXXXXXXXXXXXXXXXXXXX

5 DEC 1947

JAGJ 1946/1139

5 DEC 1947

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

In response to your inquiry, dated 24 November 1947,
Subject: George John Dasch, #61536-L, this office has no objection
to the return to Dasch of the personal property listed in the inclo-
sure to your letter.

Sincerely yours,

Signed

ELLWOOD W. SARGENT
Colonel, JAGD
Chief, Military Justice Division

EWS

IVGO
Department of the Army
DISPATCHED



DEC 2 1947

WVH
VOORHIS, MR/abh

Capt. WILLIAM GREGG BRADTON
Colonel. QM
ENTHOLD A. T. BROWN

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Синдәүләт Җәмһиәте

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CHARTERED BY B. C.
DEPARTMENT OF COMMERCE
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2 DEC 1971



United States Department of Justice
Federal Bureau of Investigation

Washington, D. C.

November 24, 1947

IN REPLY, PLEASE REFER TO

FILE NO.

To: Major General Thomas H. Green
Judge Advocate General of the Army
Department of the Army
Washington, D. C.

From: J. Edgar Hoover, Director, Federal Bureau of Investigation

Subject: GEORGE JOHN DASCH
#61536-L

There is attached a list of the personal property in the possession of this Bureau and surrendered by the captioned individual at the time of his apprehension.

The Criminal Division of the Department of Justice has advised Mrs. Dasch in response to her inquiry that this property will be made available to Mr. Dasch or his representative by the Federal Bureau of Investigation upon proper inquiry. It is anticipated that a request for this property will be forthcoming from either the captioned inmate or Mrs. Dasch within the immediate future.

Accordingly, you are requested to advise whether you have any objection to the return of this property to Dasch.

Attachment

DEC 2- 17 PM



RECEIVED
Department of the Army
J.A.G.O.

MEMORANDUM

Reference is made to the report of the Inspector General, Department of the Army, dated 10/1/50, regarding the activities of the American Friends Service Committee (AFSC) in the Philippines.

The AFSC is a non-profit organization which has been active in the Philippines since 1945. It has been engaged in various activities, including the distribution of relief supplies, the operation of a hospital, and the maintenance of a school. The AFSC has also been active in the field of social work, and has been instrumental in the establishment of various social service agencies.

It is noted that the AFSC has been active in the Philippines since 1945, and has been engaged in various activities, including the distribution of relief supplies, the operation of a hospital, and the maintenance of a school. The AFSC has also been active in the field of social work, and has been instrumental in the establishment of various social service agencies.

1-10-51
Subject: AFSC Activities in the Philippines

1. The AFSC has been active in the Philippines since 1945, and has been engaged in various activities, including the distribution of relief supplies, the operation of a hospital, and the maintenance of a school.

2. The AFSC has also been active in the field of social work, and has been instrumental in the establishment of various social service agencies.

3. The AFSC has been active in the Philippines since 1945, and has been engaged in various activities, including the distribution of relief supplies, the operation of a hospital, and the maintenance of a school.

4. The AFSC has also been active in the field of social work, and has been instrumental in the establishment of various social service agencies.

5. The AFSC has been active in the Philippines since 1945, and has been engaged in various activities, including the distribution of relief supplies, the operation of a hospital, and the maintenance of a school.

DEPARTMENT OF THE ARMY
XXXXXXXXXXXXXXXXXXXX

29 JAN 1948

JAGJ CM 1946/1139

28 JAN 1948

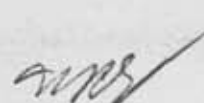
Honorable George T. Washington
Assistant Solicitor General
Washington 25, D. C.

Dear Mr. Washington:

Inclosed is a rough draft of a proposed action by the President, appropriate for transmission to the Attorney General and the Secretary of the Army, which, I believe, will carry out the recommendations contained in the concluding paragraph of the letter of The Judge Advocate General to The Attorney General (JAGJ 1946/1139) dated 3 December 1947, concerning the exercise of executive clemency in the cases of Ernest Peter Burger and George John Dasch, German Saboteurs.

The first paragraph of the above draft is predicated upon the assumption that the recommendation of the Attorney General to the President will be the same as that of The Judge Advocate General referred to above. The President's approval of the recommendation will constitute authority for action implementing it in those phases not contained in the specific directives in the draft.

Sincerely yours,



NICHOLAS R. VOORHIS
Lieutenant Colonel, JAGD

✓ 1 Incl
Rough Draft of Proposed
Action by the President



VOORHIS, NR/abh

In the cases of George John Dasch and Ernest Peter Bruger who, after trial by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July, and 1 August 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency expressed in a letter of the Attorney General to me, dated 1948, and direct as follows:

The Attorney General will effect delivery of custody of the above named prisoners to appropriate officers of the Department of the Army forthwith.

Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

Very sincerely yours,

VOORHIS, NR/abh

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29 JAN 48 PM



Department of the Army
JAGC

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which is the only one
that

PROSECUTIONS COLLECTED BY QUINN
MICHAEL E. ALLEN

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88 M. J. Webb

WAR DEPARTMENT
MEMO ROUTING SLIP

1	NAME OR TITLE <i>Col Sargent</i>	INITIALS <i>SH</i>	CIRCULATE
	ORGANIZATION AND LOCATION	DATE	CONCURRENCE
2			FILE
			INFORMATION
3			NECESSARY ACTION
			NOTE AND RETURN
4			SEE ME
			SIGNATURE
REMARKS <i>Gen Green OK'd the draft for informal delivery to the asst Sd. Gen who today requested me to mail it to him.</i>			
FROM NAME OR TITLE <i>WRS</i>		DATE	
ORGANIZATION AND LOCATION		TELEPHONE	

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16-48487-1 U. S. GOVERNMENT PRINTING OFFICE

FEB 20 1948

JAGJ 1946/1139

The Honorable

The Attorney General

Dear Mr. Attorney General:

I have received your letter of 6 February 1948 in which you inclosed a draft of a joint recommendation to the President for executive clemency in the case of Ernest Peter Burger and George John Dasch.

On 5 February 1946 you wrote me that you considered it appropriate for Dasch to receive clemency. Informal discussions with members of your Department led to the conclusion that in any consideration of the extension of clemency Burger and Dasch should be treated equally. On 3 December 1947, on behalf of the Department of the Army, I wrote you my concurrence in your views for the extension of clemency to these two prisoners provided they are released in Germany with their sentences suspended under such conditions with respect to travel, employment and political activities as the Theater Commander may require.

I believe under present circumstances it will be sufficient for your purposes to advise the President the Department of the Army interposes no objection to your recommendation.

The attached form of letter addressed to the President is transmitted as a suggestion.

As requested in your letter of 3 February 1948 I also inclose a draft of press release appropriate for issuance by either the White House or your office.

Sincerely yours,

2 Incls

1. Draft of Ltr to President for sig. Attorney General, w/incl
2. Draft of Press Release

THOMAS H. GREEN
Major General
The Judge Advocate General

VOORHIS, NR/abh

W. H. Green
Mailed for M. J.

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE SECRETARY OF THE ARMY

In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General, and direct as follows:

The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

Sincerely yours,

DASCH & BURGER

The President today approved recommendations for clemency for Ernest Peter Burger and George John Dasch, now confined in Federal prisons as members of a group of Nazi saboteurs who landed from submarines on the East Coast in June, 1942. They, together with six other members of the group who were executed, were convicted by a military commission appointed by the late President Roosevelt.

Under the President's action Burger and Dasch will be transported to Germany under Army custody. Upon their arrival in the American Zone of Occupation their sentences will be suspended under conditions imposed by the Commanding General, European Command.

Burger and Dasch were landed from a German submarine on Amagansett Beach, Long Island, New York, the night of June 13, 1942, together with Richard Quirin and Heinrich Harm Heinck.

Four days later a second party of four Nazi was landed from a submarine on Ponte Vedra Beach, Florida. Its members were Herbert Hans Haupt, Edward John Kerling, Werner Thiel, and Herman Otto Neubauer. All eight were subsequently taken in custody by agents of the Federal Bureau of Investigation in Chicago and New York City.

In consideration of the services they had rendered in supplying details of the conspiracy, the sentence of Dasch was commuted by President Roosevelt to life imprisonment, and that of Burger to 30 years' imprisonment.

After their arrest Burger and Dasch gave full and complete identities of all connected with the sabotage plot. They testified for the Government in the trials of the Nazi defendants.

After the trial, they supplied detailed information on many subjects considered of interest to the United States concerning Nazi Germany.

DASCH & BURGER

In 1942, 1943 and 1944, without any promise of reward, one or the other testified for the Government in the trials of various persons charged with treason at Chicago and New York, including Hans Haupt and five others, in 1942, Halmut Leiner in 1943, Anthony Cramer in 1943, the second trial of Leiner for trading with the enemy, in 1943, and the second trial of Haupt, for treason, in 1944.

Burger and Dasch are in confinement at United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

The President acted today on recommendations submitted by Attorney General Tom C. Clark.

In memorandum to the Attorney General the President said:

"In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General, and direct as follows:

"The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

"Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

The Attorney General, in his recommendations to the President wrote in part:

"It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their

DASCH & BURGER

services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem ample to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

"Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences"



Office of the Attorney General
Washington, D.C.

711 5 1947

Major General Thomas H. Green,
The Judge Advocate General,
Department of the Army,
Washington, D. C.

Dear General Green:

Following the receipt of your letter of December 3, 1947, with regard to Ernest Peter Burger and George John Dasch, I wrote to Mr. Arthur Garfield Hays, counsel for Dasch, requesting his comments. Mr. Hays has now advised me that Dasch has consented to the proposed arrangement.

I believe we should now make a joint recommendation to the President, along the lines stated in the attached form of letter. If you concur in it, kindly sign it in the place indicated and return it to me for transmission to the President. I should also appreciate it if you would send me a draft of press release appropriate for issuance by the White House.

With kind personal regards,

Sincerely,

Attorney General.



Office of the Attorney General
Washington, D.C.

The President,

The White House.

My dear Mr. President:

We desire to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

Secretary of the Army Kenneth C. Royall was one of the counsel for the defendants before the military commission, and therefore does not wish to participate in any way in the matter at its present stage. He has entrusted entire responsibility in this respect to The Judge Advocate General of the Army.

It is the view of the undersigned that Burger and Dasch have now

been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate to the world at the present state of affairs that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly our recommendation that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. We attach a form of directive to the Attorney General and the Secretary of the Army for your consideration, and for your signature in the event that our recommendation has your approval. A form of press release is also enclosed for your consideration.

Respectfully yours,


TOM C. CLARK,
Attorney General.

THOMAS H. GREEN,
Major General,
The Judge Advocate General.

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE SECRETARY OF THE ARMY

In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General (and the Judge Advocate General of the Army), and direct as follows:

The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

Sincerely yours,

Mr. Washington telephoned this afternoon asking if we had any objection to adding the following sentence to the end of the letter to the President, 27 February 1948.

I suggest that its issuance be deferred until Burger and Dasch have reached Germany

27 Feb 48
CURRY

press release to be changed to speak in the past.

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I suggest that its issuance be deferred until Burger and Dasch have reached Germany

press release to be changed to speak in the past.

copy
JAGJ 1946/1139

20 Feb 48

*Full
Copies*

The Honorable

The Attorney General

Dear Mr. Attorney General:

I have received your letter of 6 February 1948 in which you inclosed a draft of a joint recommendation to the President for executive clemency in the case of Ernest Peter Burger and George John Dasch.

On 5 February 1946 you wrote me that you considered it appropriate for Dasch to receive clemency. Informal discussions with members of your Department led to the conclusion that in any consideration of the extension of clemency Burger and Dasch should be treated equally. On 3 December 1947, on behalf of the Department of the Army, I wrote you my concurrence in your views for the extension of clemency to these two prisoners provided they are released in Germany with their sentences suspended under such conditions with respect to travel, employment and political activities as the Theater Commander may require.

I believe under present circumstances it will be sufficient for your purposes to advise the President the Department of the Army interposes no objection to your recommendation.

The attached form of letter addressed to the President is transmitted as a suggestion.

As requested in your letter of 3 February 1948 I also inclose a draft of press release appropriate for issuance by either the White House or your office.

Sincerely yours,

2 Incls

1. Draft of Ltr to
President for sig.
Attorney General, w/incl
2. Draft of Press Release

THOMAS H. GREEN
Major General
The Judge Advocate General

VOORHIS, NR/abh

JAGJ 1946/1139

The President
The White House

My dear Mr. President:

The Department of Justice desires to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage

VOORHIS, NR/abh

The President

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Secretary of the Army, Kenneth C. Royall, was one of the counsel for some of the defendants before the military commission, and therefore, does not wish to participate in any way in the matter at its present stage. However, I have been advised that the Department of the Army interposes no objection to this recommendation.

Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. A form of directive to the Attorney General and the Secretary of the Army is herewith submitted for your signature in the event that the recommendation has your approval. A form of a press release is also inclosed for your consideration.

Respectfully yours,

- 2 Incls
1. Form of Directive
2. Form of Press Release

TOM C. CLARK
Attorney General

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE SECRETARY OF THE ARMY

In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General, and direct as follows:

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Sincerely yours,

DASCH & BURGER

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After the trial, they supplied detailed information on many subjects considered of interest to the United States concerning Nazi Germany.

DASCH & BURGER

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Burger and Dasch are in confinement at United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

The President acted today on recommendations submitted by Attorney General Tom C. Clark.

In memorandum to the Attorney General the President said:

"In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General, and direct as follows:

"The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

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The Attorney General, in his recommendations to the President wrote in part:

"It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their

DASCH & BURGER

services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem ample to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

"Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences"

FEB 8 1948

Major General Thomas H. Green,
The Judge Advocate General,
Department of the Army,
Washington, D. C.

Dear General Green:

Following the receipt of your letter of December 3, 1947, with regard to Ernest Peter Burger and George John Dasch, I wrote to Mr. Arthur Garfield Hays, counsel for Dasch, requesting his comments. Mr. Hays has now advised me that Dasch has consented to the proposed arrangement.

I believe we should now make a joint recommendation to the President, along the lines stated in the attached form of letter. If you concur in it, kindly sign it in the place indicated and return it to me for transmission to the President. I should also appreciate it if you would send me a draft of press release appropriate for issuance by the White House.

With kind personal regards,

Sincerely,

Attorney General.

and particularly for their service in the United States.

In 1941, 1942 and 1943, they were in the service of the President, and

in the service of the President, and in the service of the President,

as well as in the service of the President, and in the service of the President,

as well as in the service of the President, and in the service of the President,

The President,

as well as in the service of the President, and in the service of the President,

The White House.

My dear Mr. President:

The Department of Justice and the Department of the Army

[We] desire to recommend to you a measure of clemency for two pris-

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finement in Federal prisons. These men were members of the group of

eight Nazi saboteurs who landed from submarines on the eastern coast

in June 1942 and were subsequently convicted by a military commission

appointed by President Roosevelt. Six of the group were executed.

The sentence of Burger was commuted by President Roosevelt to imprison-

ment for thirty years and that of Dasch to imprisonment for life, in

view of the services they had rendered in disclosing details of the

conspiracy.

Secretary of the Army Kenneth C. Royall was one of the counsel for

the defendants before the military commission, and therefore does not

wish to participate in any way in the matter at its present stage. He

has entrusted entire responsibility in this respect to [The Judge Advo-

cate General of the Army.] *His subordinates who have advised*

me of the contents of the Department of the Army in this recommendation.

It is the view of the undersigned that Burger and Dasch have now

been C. Dasch.

Department of Justice and of the Army

THOMAS H. CRANE,

Major General,

The Judge Advocate General's Office.

been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate ^{publicly} to the world at the present state of affairs that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly our recommendation that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. [We attach ^{herewith} a form of directive to the Attorney General and the Secretary of the Army for your consideration, and for your signature in the event that ^{the} our recommendation has your approval. A form of press release is also enclosed for your consideration.]

Respectfully yours,

TOM C. CLARK,
Attorney General.

THOMAS H. GREEN,
Major General,
The Judge Advocate General.

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE SECRETARY OF THE ARMY

In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the *Attorney General and the Judge Advocate General of the Army*, and direct as follows:

The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

Sincerely yours,

Attorney General

7-10 GJ 1946 139

... to the proper officers of this Government and disclosing
details of the conspiracy. It is accordingly recommended that

Burger and Dasch be returned to the custody of the Department of the Army

The President

The White House

My dear Mr. President:

The Department of Justice and the Department of the Army desire to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

Secretary of the Army Kenneth C. Royall was one of the counsel for the defendants before the military commission, and therefore does not wish to participate in any way in the matter at its present stage. He has entrusted entire responsibility in this respect to his subordinates, who have advised me of the concurrence of the Department of the Army in this recommendation.

It is the view of the Department ^{and of the Army} of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to

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Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. A form of directive to the Attorney General and the Secretary of the Army is herewith submitted for your consideration, and for your signature in the event that the recommendation has your approval. A form of press release is also enclosed for your consideration.

Respectfully yours,

- 2 Incls
1. Form of Directive
2. Form of Press Release

TOM C. CLARK
Attorney General

245

JAGJ 1946/1139

The Honorable

The Attorney General

Dear Mr. Attorney General:

I have received your letter of 6 February 1948 in which you inclosed a draft of a joint recommendation to the President for executive clemency in the case of Ernest Peter Burger and George John Dasch.

On 5 February 1946 you wrote me that you considered it appropriate for Dasch to receive clemency. Informal discussions with members of your Department led to the conclusion that in any consideration of the extension of clemency Burger and Dasch should be treated equally. On 3 December 1947, on behalf of the Department of the Army, I wrote you my concurrence in your views for the extension of clemency to these two prisoners provided they are released in Germany with their sentences suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

In view of a possible reaction on the part of military prisoners now in confinement under sentences of Army and Navy courts-martial for wartime offenses, it is not considered practicable for myself or the Department of the Army to join in a recommendation to the President.

under present circumstances
I believe it will be sufficient for your purposes to advise the President that ~~your recommendation has the concurrence of the Department of the Army.~~ *interposes no objection to your recommendation*

The attached form of letter addressed to the President is transmitted as a suggestion.

As requested in your letter of 3 February 1948 I also inclose a draft of press release appropriate for issuance by either the White House or your office.

Sincerely yours,

THOMAS H. GREEN
Major General, etc

2 Incls

1. Draft of Ltr to G.
100. Return to

R. H. C. - eg.

JAGJ 1946/1139

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I believe it will be sufficient for your purposes to advise the President that your recommendation has the concurrence of the Department of the Army.

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Sincerely yours,

2 Incls

THOMAS H. GREEN

NR

JAGJ 1946/1139

The President

The White House

My dear Mr. President:

The Department of Justice desires to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany, the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

VOORHIS, NR/abh

JAGJ 1946/1139
The President

Secretary of the Army, Kenneth C. Royall, was one of the counsel for some of the defendants before the military commission, and therefore, does not wish to participate in any way in the matter at its present stage. ~~(He has entrusted entire responsibility in this respect to his subordinates, who have advised me of the concurrence of the Department of the Army in this recommendation.)~~ *However I have been advised that interference is expected to*

Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences. A form of directive to the Attorney General and the Secretary of the Army is herewith submitted for your signature in the event that the recommendation has your approval. A form of a press release is also inclosed for your consideration.

Respectfully yours,

- 2 Incls
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2. Form of Press Release

TOM C. CLARK
Attorney General

The President

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TOM C. CLARK
Attorney General

The President
The White House

*corrected draft
prepared by S. Waddington*

*Don't
W*

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It is the view of the Department of Justice, ^{and of the Army} that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to

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Respectfully yours,

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1. Form of Directive
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TOM C. CLARK
Attorney General

JAGJ 1946/1139
DASH & BURGER

The President today approved recommendations for clemency for Ernest Peter Burger and George John Dasch, now confined in Federal prisons as members of a group of Nazi saboteurs who landed from submarines on the East Coast in June, 1942. They, together with six other members of the group who were executed, were convicted by a military commission appointed by the late President Roosevelt.

Under the President's action Burger and Dasch will be transported to Germany under Army custody. Upon their arrival in the American Zone of Occupation their sentences will be suspended under conditions imposed by the Commanding General, European Command.

Burger and Dasch were landed from a German submarine on Amagansett Beach, Long Island, New York, the night of June 13, 1942, together with Richard Quirin and Heinrich Harm Heinck.

Four days later a second party of four Nazis was landed from submarine on Ponte Vedra Beach, Florida. Its members were Herbert Hans Haupt, Edward John Kerling, Werner Thiel, and Herman Otto Neubauer. All eight were subsequently taken in custody by agents of the Federal Bureau of Investigation in Chicago and New York City.

In consideration of the services they had rendered in supplying details of the conspiracy, the sentence of Dasch was commuted by President Roosevelt to life imprisonment, and that of Burger to 30 years' imprisonment.

After their arrest Burger and Dasch gave full and complete identities of all connected with the sabotage plot. ~~They testified for the Government in the trials of the Nazi defendants.~~

After the trial, they supplied detailed information on ^{many} ~~any~~ subjects considered of interest to the United States concerning Nazi Germany.

JAGJ 1946/1139
DASH & BURGER

In 1942, 1943 and 1944, without any promise of reward, one or the other testified for the Government in the trials of various persons charged with treason at Chicago and New York, including Hans Haupt and five others, in 1942, Helmut Leiner in 1943, Anthony Cramer in 1943, the second trial of Leiner for trading with the enemy, in 1943, and the second trial of Haupt, for treason, in 1944.

Burger and Dasch are in confinement at United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

The President acted today on recommendations submitted by Attorney General Tom C. Clark.

Attorney General President said
In a memorandum to the ~~President~~ the ~~Attorney General~~ said:

"In the case of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1,

1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General and direct as follows:

copy "Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of the military forces of the United States from time to time on the European continent may direct."

The Attorney General, in his recommendations to the President, wrote in part:

"It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency.

JAGJ 1946/1139
DASCH & BURGER

It may also be desirable to indicate ^{publicly} ~~to the world at the present state of affairs~~ that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

"Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences
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JAGJ 1946/1139
DASH & BURGER

The President today approved recommendations for clemency for Ernest Peter Burger and George John Dasch, now confined in Federal prisons as members of a group of Nazi saboteurs who landed from submarines on the East Coast in June, 1942. They, together with six other members of the group who were executed, were convicted by a military commission appointed by the late President Roosevelt.

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After their arrest Burger and Dasch gave full and complete identities of all connected with the sabotage plot. They testified for the Government in the trials of the Nazi defendants.

After the trial, they supplied detailed information on any subject considered of interest to the United States concerning Nazi Germany.

JAGJ 1946/1139
DASH & BURGER

In 1942, 1943 and 1944, without any promise of reward, one or the other testified for the Government in the trials of various persons charged with treason at Chicago and New York, including Hans Haupt and five others, in 1942, Helmut Leiner in 1943, Anthony Cramer in 1943, the second trial of Leiner for trading with the enemy, in 1943, and the second trial of Haupt, for treason, in 1944.

Burger and Dasch are in confinement at United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

The President acted today on recommendations submitted by Attorney General Tom C. Clark.

In a memorandum to the President the Attorney General said:

"In the case of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1,

1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General and direct as follows:

"Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of the military forces of the United States from time to time on the European continent may direct."

The Attorney General, in his recommendations to the President, wrote in part:

"It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency.

JAGJ 1946/1139
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....."

WAR DEPARTMENT

SECURITY CLASSIFICATION (If any)

DISPOSITION FORM

FILE No.

SUBJECT Clemency for German Saboteurs.

TO The Judge Advocate General FROM Deputy Chief, CSPID
Attn: Colonel Voorhis
Room 3C 488

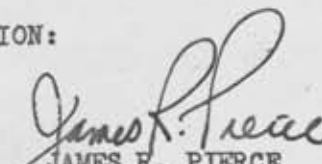
DATE 11 Feb. 1948 COMMENT No. 1
Col. FitzGerald/2034/lg

1. In accordance with your request there is attached for issuance by the White House a suggested draft of a press release relative to the suspension of the unexecuted portions of the sentences imposed on Dasch and Burger, German saboteurs convicted in 1942.

2. This proposed release is somewhat detailed because it is believed the President's action will occasion widespread interest and it is important that all the mitigating circumstances which justified clemency be recounted. Otherwise, a storm of press criticism may result from a bare announcement of the release of prisoners convicted of such a heinous offense.

3. While the preparation of this press release by the Department of the Army complies with the request of the Attorney General, it is believed that it should more properly have been done by the Justice Department which has the custody of the prisoners. Furthermore, it is believed that the announcement of the action of the President should be made by the Attorney General rather than by the White House.

FOR THE CHIEF, PUBLIC INFORMATION DIVISION:


JAMES R. PIERCE
Colonel, G.S.C.
Deputy Chief

Inclosures:

Suggested draft of press release
cc Ltr 6 Feb to Gen. Green frm Attorney General
cc Ltr 6 Feb to The President frm Attorney General
& JAG w/form of directive
for sig. of the President
"Supreme Court of the United States" July Special
Term, 1942

Clemency for German Saboteurs.

The Judge Advocate General Deputy Chief, CSPID
Attn: Colonel Voorhis
Room 3C 488

11 Feb. 1948
Col. FitzGerald/2034/lg

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cc Ltr 6 Feb to Gen. Green frn Attorney General
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 & JAG w/form of directive
 for sig. of the President
"Supreme Court of the United States" July Special
Term, 1942

of the Federal Bureau of Investigation in an unsuccessful attempt to contact J. Edgar Hoover, Director of the FBI.

Failing in that attempt, Dasch remained in New York City until June 19 when, after trying without success to reach Army Intelligence officers, he again called the FBI field office and arranged to be taken in custody. Within a few hours he had disclosed the landings of the saboteurs and subsequently told of Burger's whereabouts.

Burger, meanwhile, had been making contact with the two remaining members of his party and diverting their suspicions from Dasch. At the same time he kept himself available for apprehension by the FBI, which took him in custody the afternoon of June 20.

The men made it clear that they had been cautious about making contact with American officials because prior to their departure from Germany they had been warned that Nazi agents were keeping all FBI offices under surveillance.

After his arrest Burger answered all questions fully and without hesitation, giving full and complete identities of all connected with the sabotage plot. He subsequently agreed to testify for the Government in the trials of the Nazi defendants.

After the trial, for a period of eight weeks, Burger supplied detailed information on any subject considered of interest to the United States concerning Nazi Germany. In 1942, 1943 and 1944, without any promise of reward, Burger testified for the Government in the trials of various persons charged with treason at Chicago and New York, including Hans Haupt and five others, in 1942, Helmut Leiner in 1943, Anthony Cramer in 1943, the second trial of Leiner for trading with the enemy, in 1943, and the second trial of Haupt, for treason, in 1944.

(more)

Burger and Dasch are in confinement at U.S. penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

~~where sentences will be suspended under conditions imposed by the Commanding General, European Command.~~

The President acted today on recommendations submitted jointly by Attorney General Tom C. Clark and Major General Thomas H. Green, The Judge Advocate General of the Army. Secretary of the Army Kenneth C. Royall, who was one of the counsel for the defendants before the military commission, has taken no subsequent part in the case.

In a memorandum to the Attorney General and the Secretary of the Army, President Truman said:

"In the case of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General and the Judge Advocate General of the Army, and direct as follows:

"The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

"Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of the military forces of the United States from time to time on the European

(more)

continent may direct."

The Attorney General and The Judge Advocate General, in their recommendations to the President, wrote in part:

"It is the view of the undersigned that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate to the world at the present state of affairs that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly our recommendation that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

"Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences....."

The President today approved recommendations for clemency for Ernest Peter Burger and George John Dasch, now confined in Federal prisons as members of a group of Nazi saboteurs who landed from submarines on the East Coast in June, 1942. They, together with six other members of the group who were executed, were convicted by a military commission appointed by the late President Roosevelt.

Under the President's action Burger and Dasch will be transported to Germany under Army custody. Upon their arrival in the American Zone of Occupation their sentences will be suspended under conditions imposed by the Commanding General, European Command.

Burger and Dasch were landed from a German submarine on Amagansett Beach, Long Island, New York, the night of June 13, 1942, together with Richard Quirin and Heinrich Harm Heinck.

Four days later a second party of four Nazis was landed from submarine on Ponte Vedra Beach, Florida. Its members were Herbert Hans Haupt, Edward John Kerling, Werner Thiel, and Herman Otto Neubauer. All eight were subsequently taken in custody by agents of the Federal Bureau of Investigation in Chicago and New York City, acting on information furnished by Burger and Dasch. } ?

In consideration of the services they had rendered in supplying details of the conspiracy, the sentence of Dasch was commuted by President Roosevelt to life imprisonment, and that of Burger to 30 years' imprisonment.

Within 24 hours of their landing on Long Island, and after separating from the other two members of their party, Dasch and Burger agreed on plans to inform United States officials of the landings and the presence of the saboteurs in this country. According to their agreement, Dasch was to make actual contact with American authorities. On the night of June 14, the day after the landing was made, Dasch telephoned the New York Field Office

(more)

2007

JAGJ 1946/1139

The Honorable

The Attorney General

Dear Mr. Attorney General:

Inclosed is our joint recommendation to the President dated 6 February 1948, with respect to the extention of clemency to Ernest Peter Burger and George John Dasch, German Saboteurs, together with a form of directive for the President's signature and a draft of a press release.

While the preparation of the draft of the press release complies with your request it is recommended that the announcement of the action of the President be made by you rather than by the White House.

Sincerely yours,

2 Incls

1. Joint Recommendation of
President re Clemency
of Ernest Peter Burger
and George John Dasch
2. Draft of Press Release

THOMAS H. GREEN
Major General
The Judge Advocate General

8

VOORHIS, NR/abh

JAGJ 1946/1139

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The Attorney General

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President re Clemency
of Ernest Peter Burger
and George John Dasch
2. Draft of Press Release

THOMAS H. GREEN
Major General
The Judge Advocate General

VOORHIS, NR/abh

1946/1139
WAR DEPARTMENT
STAFF MESSAGE CENTER
OUTGOING CLASSIFIED MESSAGE

CONFIDENTIAL

PRIORITY

PARAPHRASE NOT REQUIRED. HANDLE AS CONFIDENTIAL CORRESPONDENCE
PER PARAS 511 and 60a (4), AR 380-5

Military Police Division
OFMG Lt Col Bradlee 74201

27 April 1948

HQ EUCOM Frankfurt Germany

Number: WAR 80467

From PMGMP reured SX 3263 dtd 22 April 48.

No objection to release of Burger and Dasch subject to
last subparagraph of memorandum from President dtd 20 March
48 in which it is directed that the unexecuted portions of the
sentences of confinement will be suspended.

End

ORIGINATOR: PMG

DISTRIBUTION: JAG

CM-OUT 80467

(Apr 48)

DTG 271603Z

svc

Automatically Regaded UNCLASSIFIED
Autherity EO 12065
CONFIDENTIAL

COPY No. 7

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

GENERAL ORDERS

DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C.,

1948

NO.

By direction of the President, the unexecuted portion of the sentence to imprisonment for thirty years in the case of GEORGE JOHN DASCH who was tried by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July and 1 August 1942, and convicted of violations of the Laws of War and of the Articles of War, is hereby suspended subject to such conditions with respect to travel, employment, political and other activities as the Commanding General, European Command may from time to time require.

BY ORDER OF THE SECRETARY OF THE ARMY:

OFFICIAL:

EDWARD F. WITSELL
Major General
The Adjutant General

DWIGHT D. EISENHOWER
Chief of Staff, United States Army

NO.

By direction of the President, the unexecuted portion of the sentence to imprisonment for life in the case of ERNEST PETER BURGER who was tried by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July and 1 August 1942, and convicted of violations of the Laws of War and of the Articles of War, is hereby suspended subject to such conditions with respect to travel, employment, political and other activities as the Commanding General, European Command, may from time to time require.

BY ORDER OF THE SECRETARY OF THE ARMY:

OFFICIAL:

EDWARD F. WITSELL
Major General
The Adjutant General

DWIGHT EISENHOWER
Chief of Staff, United States Army

GENERAL ORDERS

DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C.,

48

NO.

By direction of the President, the unexecuted portion of the sentence to imprisonment for life in the case of ERNEST PETER BURGER who was tried by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July and 1 August 1942, and convicted of violations of the Laws of War and of the Articles of War, is hereby suspended subject to such conditions with respect to travel, employment, political and other activities as the Commanding General, European Command, may from time to time require.

BY ORDER OF THE SECRETARY OF THE ARMY:

OFFICIAL:

EDWARD F. WITSELL
Major General
The Adjutant General

DWIGHT EISENHOWER
Chief of Staff, United States Army

JAGJ 1946/1139

The President

The White House

My dear Mr. President:

The Department of Justice desires to recommend to you a measure of clemency for two prisoners, Ernest Peter Burger and George John Dasch, who are now in confinement in Federal prisons. These men were members of the group of eight Nazi saboteurs who landed from submarines on the eastern coast in June 1942 and were subsequently convicted by a military commission appointed by President Roosevelt. Six of the group were executed. The sentence of Burger was commuted by President Roosevelt to imprisonment for thirty years and that of Dasch to imprisonment for life, in view of the services they had rendered in disclosing details of the conspiracy.

It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem amply to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage

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The White House

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DASCH & BURGER

In 1942, 1943 and 1944, without any promise of reward, one or the other testified for the Government in the trials of various persons charged with treason at Chicago and New York, including Hans Haupt and five others, in 1942, Hjalmar Leiner in 1943, Anthony Cramer in 1943, the second trial of Leiner for trading with the enemy, in 1943, and the second trial of Haupt, for treason, in 1944.

Burger and Dasch are in confinement at United States penitentiaries at Atlanta, Georgia, and Leavenworth, Kansas, respectively. They will be transferred from Federal confinement to the custody of the Department of the Army for transportation to the American Occupation Zone in Germany.

The President acted today on recommendations submitted by Attorney General Tom C. Clark.

In memorandum to the Attorney General the President said:

"In the cases of Ernest Peter Burger and George John Dasch who, after trial by Military Commission concluded August 1, 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency made to me by the Attorney General, and direct as follows:

"The Attorney General will effect delivery of custody of the above-named prisoners to appropriate officers of the Department of the Army forthwith.

"Upon receipt of custody the Secretary of the Army will effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of each of the above sentences of confinement will be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

The Attorney General, in his recommendations to the President wrote in part:

"It is the view of the Department of Justice that Burger and Dasch have now been sufficiently punished for their offenses against the United States. In fact, their

DASCH & BURGER

services in revealing the details of the conspiracy, and later in disclosing valuable information as to conditions in Germany, as well as in assisting the Department of Justice in obtaining convictions of disloyal persons in the United States, seem ample to justify clemency. It may also be desirable to indicate publicly that persons who have been employed by foreign powers for espionage or sabotage have everything to gain by coming to the proper officers of this Government and disclosing details of the conspiracy. It is accordingly recommended that Burger and Dasch be returned to the custody of the Department of the Army and be transported to Germany, and that upon their arrival in Germany the unexecuted portions of their sentences be suspended under such conditions with respect to travel, employment, and political activities as the Theater Commander may require.

"Inasmuch as these prisoners are in custody as a result of the decision of a Presidential Military Commission, the President has the sole power to modify or remit their sentences"

XXXXXXXXXXXXXXXXXXXX

JAGJ CM 1946/1139

Honorable George T. Washington
Assistant Solicitor General
Washington 25, D. C.

Dear Mr. Washington:

Inclosed is a rough draft of a proposed action by the President, appropriate for transmission to the Attorney General and the Secretary of the Army, which, I believe, will carry out the recommendations contained in the concluding paragraph of the letter of The Judge Advocate General to The Attorney General (JAGJ 1946/1139) dated 3 December 1947, concerning the exercise of executive clemency in the cases of Ernest Peter Burger and George John Dasch, German Saboteurs.

The first paragraph of the above draft is predicated upon the assumption that the recommendation of the Attorney General to the President will be the same as that of The Judge Advocate General referred to above. The President's approval of the recommendation will constitute authority for action implementing it in those phases not contained in the specific directives in the draft.

Sincerely yours,

1 Incl
Rough Draft of Proposed
Action by the President

NICHOLAS R. VOORHIS
Lieutenant Colonel, JAGD

JAGJ 1946/1139

Honorable George T. Washington
Assistant Solicitor General
Washington 25, D. C.

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Sincerely yours,

1 Incl
Rough Draft of Proposed
Action by the President

NICHOLAS R. VOORHIS
Lieutenant Colonel, JAGD

VOORHIS, NR/abh

In the cases of George John Dasch and Ernest Peter Burger who, after trial by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July, and 1 August 1942, were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency expressed in a letter of the Attorney General to me, dated 1948, and direct as follows:

The Attorney General, ^{will} effect delivery of custody of the above named prisoners to appropriate officers of the Department of the Army forthwith.

Upon receipt of custody the Secretary of the Army, ^{will} effect their transportation to the American Zone of Occupied Germany and, upon their arrival therein, the unexecuted portions of ^{each of} the above sentences of confinement, ^{will} be suspended upon such conditions with respect to travel, employment, political and other activities as the Commanding General of military forces of the United States from time to time on the European continent may direct.

Very sincerely yours,

JAGJ 1946/1139

In the cases of George John Dasch and Ernest Peter Burger who after trial by Military Commission on 8-11, 13-18, 20-22, 24, 25, 27, 31 July, and 1 August 1942 were convicted of violations of the Laws of War and of the Articles of War, and sentenced to imprisonment for thirty years and life, respectively, I have approved the recommendations for the exercise of clemency expressed in a letter of the Attorney General to me, dated 1948, and direct as follows:

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Very sincerely yours,

1139
TJAG WASHINGTON 25 D C

CINCEUR BERLIN GERMANY

UNCLASSIFIED

ROUTINE

X

XXXXXXXXXXXX FROM JAGJ

THE ATTORNEY GENERAL HAS REQUESTED THE MAIL ADDRESS OF GEORGE JOHN DASCH
FOR THE PURPOSE OF INFORMING MRS. DASCH PD REQUEST REPLY BY RADIO STATING
ADDRESS REQUESTED

20 MAY '48 PM



DISPATCHED
WAR DEPARTMENT
J. A. G. O.

UNCLASSIFIED

JAGJ 1946/1139
Lt. Col. Voorhis/abh/5506

MAJOR K. J. HODSON
Executive, JAGO
Washington, D. C.

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FROM CINCEUR

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ACTION JAG

MC IN NO. 59379

59379

24 MAY 48 PM



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Department of the Army
J.A.G.O.

Info placed to
Cory & George Washington
and Sid Ben
24 May 48
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RR UEP

RX

FM UFH 07/ CINCEUR 240826Z

Jag

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TO UEP/ DEPT OF THE ARMY FOR JAGJ

INFO: UFP/ EUCOM WD GRNC

V-31937 REURAD WILLIAM CHARLIE LOVE TWO FIVE THREE SIX THREE MAILING

ADDRESS FOR GEORGE JOHN DASCH IS PAREN CINCEUR SIGNED CLAY UNPAREN

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ARMY POST OFFICE NUMBER IS ONE FIVEFOUR CMA CARE OF POSTMASTER

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JAGO
Military Permit Section
Civil Affairs Division
Special Staff, U.S. Army
RM 2B918 - Pentagon

Request for Transportation to Germany
of Mrs. Marie C. Dasch

JAGO-CMG D/Army
RM 3E499

8 June 48

Maj. Sitnek/4384

1. Attached is a letter dated 5 June 1948, from Mrs. Marie C. Dasch, wife of George J. Dasch, requesting "transportation and passport book to Germany," as a matter pertaining to your office.

2. The writer has been informed of this reference.

FOR THE JUDGE ADVOCATE GENERAL:

Incll as noted
Incl 2 Ltr to Mrs.
Dasch dtd 8 June 48

WILLIAM G. SITNEK
Major, JAGD
Asst. Chief, Administrative Division

*File copy to Mail & Records, JAGO
(Mrs. Pitts)*



1139
JAGD

8 June 1948

Mrs. Marie C. Dasch
P.O. Box #76
Wakefield Station
New York 66, New York

Dear Mrs. Dasch:

Your letter to Colonel Voorhis, dated 5 June 1948, pertaining to transportation and passport to Germany, has been referred to the Military Permit Section, Civil Affairs Division, Special Staff, U.S. Army, the Pentagon, Washington 25, D. C., as a matter pertaining to that office.

Very truly yours,

WILLIAM G. SITNEK
Major, JAGD
Asst. Chief, Administrative Division

JAGD
Department of the Army
DISPATCH

Colonel Nicholas Voorhis
Room 3C488, Pentagon Bldg.
Washington, D. C.

COPY

June 5, 1948
Wakefield Station
P.O. Box #76, New York 66, NY.

My Dear Sir:

I have been informed here, by Acting Attorney General, Peyton Ford, in his letter to my counsel, Mr. Arthur Garfield Harp, of June 3, 1948, to write to you for my transportation, and passport Book to Germany. The reason is that I would love to visit, or join my husband Mr. George J. Dasch, of who is now there, and, who has been rushed away without even giving me a chance to visit with him, while he was transferred here in the East, from Leavenworth, Kansas.

However, I have been seperated from my husband for nearly six years now. I love my husband, and I feel it is only a wife's duty to be with her husband, no doubt you do know about my husband, who has been sent to jail, instead of receiving a reward for his services to the United States. I am quite sure that you my Dear Sir, will understand my feelings as a wife.

Therefore, I beg you to kindly arrange my transportation and I will be looking forward eagerly for your kind reply and advise.

Thank you very kindly,

I remain sincerely,

/s/ Mrs. Marie C. Dasch

JAGJ 1946/1139

24 JUN 1948

Honorable T. Vincent Quinn
Assistant Attorney General
Washington 25, D. C.

Re: George John Dasch, et al
Sabotage

Dear Mr. Quinn:

I have your letter of 14 June 1948, in which you request a recommendation concerning the disposition of the exhibits in the case of the above subjects now in the files of the Federal Bureau of Investigation and of the explosives and sabotage devices which were taken from the subjects at the time of their apprehension.

I concur in your proposal that the exhibits be retained in the files of the Department of Justice and I suggest that the explosives and related devices be destroyed by representatives of the Federal Bureau of Investigation.

Sincerely yours,

Thomas H. Green

THOMAS H. GREEN
Major General
The Judge Advocate General

CHAPMAN, T -abh-sef



JUN 24 1948

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Department of the Army
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File Sauch & Burger

1946/1139

Mrs. Pitts

QAC 1946/1131
JAGO

8 June 1948 *WPS*

Mrs. Marie C. Dasch
P.O. Box #76
Wakefield Station
New York 66, New York

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Very truly yours,

WILLIAM G. SITNEK
Major, JAGD
Asst. Chief, Administrative Division

cc: Col. Voorhis
FM 30488

Colonel Nicholas Voorhis
Room 3C488, Pentagon Bldg.
Washington, D. C.

COPY

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Wakefield Station
P.O. Box #76, New York 66, NY.

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However, I have been separated from my husband for nearly six years now. I love my husband, and I feel it is only a wife's duty to be with her husband, no doubt you do know about my husband, who has been sent to jail, instead of receiving a reward for his services to the United States. I am quite sure that you my Dear Sir, will understand my feelings as a wife.

Therefore, I beg you to kindly arrange my transportation and I will be looking forward eagerly for your kind reply and advise.

Thank you very kindly,

I remain sincerely,

/s/ Mrs. Marie C. Dasch

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

TVC:RPW:mb

146-7-4219-1

UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON 25. D. C.



June 14, 1948

1139
The Judge Advocate General
War Department
Washington 25, D. C.

Dear General Green:

Re: George John Dasch, et al.
Sabotage

The Federal Bureau of Investigation has requested advice as to the disposition of the personal effects and explosives and sabotage devices which were taken from the above subjects at the time of their apprehension. It has also requested direction as to the disposition of exhibits in its files.

It is our view that the exhibits should be retained for possible future reference and that probably they may best be incorporated in the files of this Department. The personal effects probably can be destroyed. Those of Mr. Dasch have been returned to him and to his wife. The disposition of the explosives and other devices, however, poses a question whether they should be turned over to the military authorities or should be destroyed by the Bureau's experts in such matters.

Inasmuch as these cases were within the military's jurisdiction I would appreciate a statement of your views and your suggestions at your earliest convenience in order that appropriate reply to the Bureau may be made.

Respectfully,

For the Attorney General

A handwritten signature in dark ink, appearing to read "T. Vincent Quinn".

T. VINCENT QUINN
Assistant Attorney General

16 JUN 1968



RECEIVED
Department of the Army
I. & O.

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

JAGJ 1946/1139

T. Vincent Quinn, Esquire
Assistant Attorney General
Washington 25, D. C

Re: George John Dasch, et al
Sabotage

Dear Mr. Quinn:

I have your letter of June 14, 1948, in which you request a recommendation concerning the disposition of the exhibits in the case of the above subjects now in the files of the Federal Bureau of Investigation and of the explosives and sabotage devices which were taken from the subjects at the time of their apprehension.

I concur in your proposal that the exhibits be retained in the files of the Department of Justice and I suggest that the explosives and related devices be destroyed by representatives of the Federal Bureau of Investigation.

Sincerely yours,

THOMAS H. GREEN
Major General
The Judge Advocate General

JAGJ 1946/1159

T. Vincent Quinn, Esquire
Assistant Attorney General
Washington 25, D. C

Re: George John Dasch, et al
Sabotage

Dear Mr. Quinn:

I have your letter of June 14, 1948, in which you request a recommendation concerning the disposition of the exhibits in the case of the above subjects now in the files of the Federal Bureau of Investigation and of the explosives and sabotage devices which were taken from the subjects at the time of their apprehension.

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Sincerely yours,

THOMAS H. GREEN
Major General
The Judge Advocate General

Tr
CHAPMAN, T/abh

TJAG WASHINGTON 25 D C

CINCINNATI BENLIN GERMANY

UNCLASSIFIED

ROUTINE

X

WCL25363

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JAGJ

THE ATTORNEY GENERAL HAS REQUESTED THE MAIL ADDRESS OF GEORGE JOHN DASCH
FOR THE PURPOSE OF INFORMING MRS. DASCH PD REQUEST REPLY BY RADIO STATING
ADDRESS REQUESTED

UNCLASSIFIED

JAGJ 1946/1139
Lt. Col. Voorhis/abn/5506

RECEIVED
JUN 25 1946
WAR DEPARTMENT
WASHINGTON, D. C.

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WAR DEPARTMENT
J. A. C. O.

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TJAG WASHINGTON 25 D C

UNCLASSIFIED

CINCEUR BERLIN GERMANY

ROUTINE

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WCL25363

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JAGJ

THE ATTORNEY GENERAL HAS REQUESTED THE MAIL ADDRESS OF GEORGE JOHN DASCH
FOR THE PURPOSE OF INFORMING MRS. DASCH PD REQUEST REPLY BY RADIO STATING
ADDRESS REQUESTED

UNCLASSIFIED

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Lt. Col. Voorhis/abh/5506

NOV 28 1940



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JAGJ 1940/1129
NOV 28 1940

TJAG WASHINGTON 25 D C

CINCEUR BERLIN GERMANY

UNCLASSIFIED

ROUTINE

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~~XXXXXXXXXXXX~~ JAGJ

THE ATTORNEY GENERAL HAS REQUESTED THE MAIL ADDRESS OF GEORGE JOHN DASCH
FOR THE PURPOSE OF INFORMING MRS. DASCH PD REQUEST REPLY BY RADIO STATING
ADDRESS REQUESTED

NOV 25 1946



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NOV 25 1946

UNCLASSIFIED

JAGJ 1946/1130
Lt. Col. Voorhis/ahh/5506

HEADQUARTERS OF THE ARMY
STAFF MESSAGE CENTER

1943 MAY 21

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20 MAY '48 PM



DISPATCHED
WAR DEPARTMENT
J. A. G. O.

~~CONFIDENTIAL~~

CSJAGJ 1946/1139

SUBJECT: Ernest Peter Burger

TO: CSGID, Room
2B-683, Pentagon

FROM: Mil Justice Div.
JAGO, Room 3C-482
Pentagon

DATE:
21 MAR 1949

COMMENT NO. 2
Lt Col Arn/5468

This office interposes no legal objection to the downgrading of the extracts referred to in paragraph 1, Comment No. 1.

FOR THE JUDGE ADVOCATE GENERAL:

✓ 1 Incl
n/c

LAUREN A. ARN
Lieutenant Colonel, JAGC
Chief, Military Justice Division

1AA

1447

NOTE ON THE GREEN:

R/T, a photostatic copy of which is on file in the general court-martial record bears no classification. Subject MID Summary of Information, 23 October 1947, was apparently compiled from sources other than the record of trial. CSGID has also requested recommendation from FBI, a major source of information included in subject summary.

Automatically Regraded UNCLASSIFIED
Authority E.O. 13526



Costello, D.J./bjd

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21 MAR 49 PM



DISPATCHED

Office of the Army

in subject activity.

has also received recommendation from FBI, a major source of information included
that was subsequently confirmed from sources other than the record of FBI. Could
record be a great concern. Subject had summary of information, 33 October
FBI, a photograph copy of which is on file in the General Staff-Headquarters

NOTE ON THE GREEN:

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1/1 1001

1001
UNITED STATES ARMY
HEADQUARTERS
WASHINGTON, D.C.

FOR THE RECORD - ADVISE BUREAU:

DETAILS OF THE SUBJECT'S ACTIVITY TO BE:

THIS OFFICE INFORMATION ON RECENT ACTIVITY TO BE COMPLETED BY THE OFFICE

1001-003' Section
1001-003' Room

1001-003' Room
1001-003' Room

81 MAR 1949

1001-003' Room
1001-003' Room

1001-003' Room
1001-003' Room

1001-003' Room
1001-003' Room

1001-003' Room

~~CONFIDENTIAL~~

CSGID-SO 201

JAGG

Ernest Peter Burger

CSGID

MAR 16 1949
Capt Shanahan/6419/ml

1. This Division has received a request for authority to downgrade such portions of the MID Summary of Information, dated 23 October 1947, Subject: Ernest Peter Burger and George John Dasch, as pertain to Burger from "Confidential" to "Unclassified" so that subject information may be released as evidence in the forthcoming denazification trial of Burger at Wuerzburg, Germany.
2. The European Command further requests, that if such authority cannot be granted, that they be forwarded an "Unclassified" report on Burger's stay in the United States.
3. It is requested that the attached extract of the above mentioned Summary be examined with the view toward releasing to the German denazification authorities.
4. Your comments are requested by 21 March 1949.
5. A similar request is being forwarded to the Federal Bureau of Investigation.

FOR THE DIRECTOR OF INTELLIGENCE:

1 Incl

Extract of S/I dtd

23 Oct 47 re: Burger

Disclosures of the nature, sources or even the existence of the counter intelligence information contained in the attached Summary of Information to persons mentioned therein or to other persons not entitled to such information may be made only when clearly authorized by the Director of Intelligence, General Staff, United States Army, or by higher authority.

Unauthorized disclosure of this information will be considered a violation of AR 3807.

CHARLES A. PYLE
Colonel, CSC
Chief, Security and Training Group
Intelligence Division, GSUSA

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Authenticity E.O. 12065

~~CONFIDENTIAL~~

18 MAR '49 AM



Department of the Army
JAGC

TO THE HONORABLE CHIEF OF THE JAGC
WASHINGTON, D. C.

FROM THE HONORABLE CHIEF OF THE JAGC
WASHINGTON, D. C.

SUBJECT: [Illegible]

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[The following text is mirrored and largely illegible due to bleed-through from the reverse side of the page.]

[The following text is mirrored and largely illegible due to bleed-through from the reverse side of the page.]

MEMO ROUTING SLIP		NEVER USE FOR APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS	
1 NAME OR TITLE	Col. Connally	INITIALS	CIRCULATE
ORGANIZATION AND LOCATION	3E-480	DATE	COORDINATION
2	Lt. Col. Arne		FILE
	3C-482		INFORMATION
3	Gen Hooper		NECESSARY ACTION
	for conc.		NOTE AND RETURN
4			SEE ME
			SIGNATURE
REMARKS			
For approval. There appears to be no objection to the downgrading of the attached extracts pertaining to the <u>Burger case</u> (see Note for Green) have also discussed with Col. Voorhis who has no objection. Our comments requested today (21 March)			
FROM NAME OR TITLE		DATE	
Lt. Col. Arne		3/21/49	
ORGANIZATION AND LOCATION		TELEPHONE	
		5468	

THE WHITE HOUSE
WASHINGTON

~~SECRET~~

~~SECRET~~

September 16, 1942.

MEMORANDUM FOR

THE JUDGE ADVOCATE GENERAL OF THE ARMY

The President has directed that I send the attached papers (original and 1 copy) to you for filing with the record of proceedings of the trial of the saboteurs.

It is requested that the receipt of this memorandum, together with its enclosures, be acknowledged.

Very respectfully,

J. L. McCrea

JOHN L. MCCREA,
Captain, U. S. Navy,
Naval Aide to the President.

Room 2078
Navy Department

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Authority E.O. 12065*

~~SECRET AND CONFIDENTIAL~~

THE WHITE HOUSE
Washington, D. C.

The Provost Marshal for the Military District of Washington, Brigadier General Albert L. Cox, U.S.A., is directed to carry out the sentence of the Military Commission, as confirmed by me--the reviewing authority--by execution in the electric chair in the District of Columbia of the six prisoners named:

Herbert Hans Haupt	Hermann Otto Neubauer
Heinrich Harm Heinck	Richard Quirin
Edward John Kerling	Werner Thiel

The Attorney General, the Department of Justice and the District Commissioners are to cooperate in every possible way with the Provost Marshal of the Military District of Washington in carrying out this directive.

The two other prisoners, Ernest Peter Burger and George John Dasch, have had the sentence of the Military Commission commuted to life imprisonment for their assistance to the Government of the United States, and the Provost Marshal shall turn them over to the Department of Justice for incarceration in a Federal penitentiary, or such other institution, under the applicable laws and regulations, as the Attorney General may direct. The Attorney General may move these two prisoners, Ernest Peter Burger and George John Dasch, from one Federal prison to another, if, in his discretion, he deems it wise to do so.

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Authority E.O. 12865*

WAR DEPARTMENT
HEADQUARTERS, ARMY SERVICE FORCES
WASHINGTON, D. C.
OFFICIAL BUSINESS

RD-114

Draft
actions order
executions in
Spy trial

~~Maj. Gen. H. Q. Greener, J. A. G. D.
Room 2046,
Munitions Bldg.~~

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300.

~~SECRET~~

September 16, 1942.

MEMORANDUM for Captain John L. McCrae, U.S. Navy, Naval Aide
to the President, Room 2078, Navy Department.

Receipt is acknowledged of your memorandum of September 16, 1942, inclosing original and one copy of the report to the President of Brigadier General Albert L. Cox with reference to his handling of the saboteurs during their recent trial. This will be filed with other papers in our office concerning this matter.

I note that you state in your memorandum that the President has directed you to send these papers to me for "filing with the record of proceedings of the trial of the saboteurs." In this connection I would like to invite your attention to the fact that the original record of proceedings has not been received by my office and apparently is still in the hands of the President. As I understand the situation from Judge Rosenman, he not being familiar with military procedure directed that the record of trial be filed with the President's papers. I told Judge Rosenman that in my opinion the proper place for filing of the original record is the Office of The Judge Advocate General, that being the place of record for filing all records of trial by general courts-martial and military commissions until such time as they become so ancient that they are transferred to the National Archives. Judge Rosenman told me that he would take the matter up with the President. Sometime later I again talked to Judge Rosenman over the telephone and he said that due to the pressure of other business he had been unable to take the matter up with the President but that he would do so at the first opportunity. Since then I have heard nothing further from him.

Of course, if the President personally desires that the record of trial should be filed in his office, that is one thing; but unless he does so desire, I would greatly appreciate it if you could get this original record of trial transmitted to my office.

Myron C. Cramer,
Major General,
The Judge Advocate General.

*Automatically Regraded UNCLASSIFIED
Authority E.O. 12065
Cramer, Gen.M.C.-cr*

~~SECRET~~

~~SECRET~~

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Myron C. Cramer,
Major General,
The Judge Advocate General.

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Authority E.O. 12065

~~SECRET~~

August 19, 1942

~~SECRET~~

SUBJECT: Report of Brigadier General Albert L. Cox, Provost Marshal of the Military District of Washington, in re German Prisoners Ernest Peter Burger, George John Dasch, Herbert Hans Haupt, Heinrich Hans Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel.

TO: The President and Commander-in-Chief of the Army and Navy, Washington.

At the request of Major General Myron C. Cramer, Judge Advocate General, United States Army, I met him in his office at the National Guard Armory at 2:00 p. m. on July 2, 1942, and was then informed that the Secretary of War directed me to receive from the Federal Bureau of Investigation, Department of Justice, and keep in custody until further ordered the above named prisoners. I asked for a written order and was told that such would be delivered to me. I then made immediate personal investigation of the facilities at the District of Columbia Jail and satisfied myself that the safest place for confinement of the prisoners would be in the District Jail. I then called on J. Edgar Hoover, Director of the Federal Bureau of Investigation to discuss details of the transfer of the prisoners and to obtain such information as I could with respect to their individual characteristics. I also discussed with Mr. Hoover the place of trial for the prisoners and the arrangements which would be made to insure protection for the Commission and those attending the trial, as well as for the enforcement of secrecy for the proceedings. I perfected my arrangements for receipt of the prisoners at the District Jail on the afternoon of July 3rd and likewise was handed a copy of the order of the Secretary of War with respect to my custody of the prisoners.

I established a proper guard in and about the Jail at 6:00 p. m. on July 3rd, and at 8:00 a. m. on July 4th I received from the FBI the prisoners in question. The prisoners were immediately taken by members of my guard to a cell block over which I exercised entire control. Each prisoner was physically examined by Colonel M. F. DuFrenne, Medical Corps, and at the same time was asked if he had any complaint to make about his treatment or about his physical condition. All replied in the negative except one prisoner, who claimed that on account of food disagreeing with him his stomach had been giving him trouble for two or three days. This condition was easily and promptly corrected. The prisoners were given prison clothing, confined in individual cells, and proper precautions were taken to

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Authority E.O. 12065*

prevent their escape and to prevent their doing harm to themselves. The prisoners were confined in the original cells, except for the time they appeared before the Military Commission, until final disposition was made of them.

I arranged with the United States Marshal of the District of Columbia and with the Major and Superintendent of Metropolitan Police, for transportation of the prisoners to and from the Department of Justice, where the Military Commission held its sessions. I provided for an escort for the prisoners to and from the Department of Justice so that there would be no interruption, and further no delay, incident to traffic, breakdowns, or other causes.

The Military Commission had its first meeting on the morning of July 8, 1942. An entire corridor of the Department of Justice building had been set apart for the purposes of the trial, and no access to the corridor was permitted at any time from July 7th until the sessions of the Commission were finally closed and it had vacated the rooms set apart for its use. The prisoners were taken into the basement of the Department of Justice, and there taken into elevators which were specially reserved for the use of those engaged in the trial, and from the elevators into the corridor above described.

The hearings of the Commission were conducted without incident, there was at no time anything approaching any disorder or disturbance, and the conduct of the prisoners while in my custody, as to each one, was exemplary. The prisoners were permitted to see their counsel, but no one else. They were furnished with cigarettes and with old magazines and old books. They were not permitted to converse with each other or with their guards.

During the time that the trial of the prisoners by the Military Commission was interrupted by the hearing on Petitions for Writs of Habeas Corpus presented to the Supreme Court of the United States, the prisoners remained in their cells. The announcement of the decision of the United States Supreme Court by the Attorney General of the United States, at the request of the President of the Military Commission, in open session of the Commission, was received by the prisoners without any outward show.

On August 5, 1942, at the request of Major General James C. Magee, the Surgeon General, United States Army, I permitted representatives of his office to obtain specimens of blood of each of the eight prisoners. The prisoners consented to this.

At 10:20 a. m. on Tuesday, August 4, 1942, Major General Myron C. Cramer, The Judge Advocate General, 'phoned me and asked me to meet him at the office of Oscar Cox, Assistant Solicitor General. Taking Major Thomas M. Rives with me, I reached the office of Mr. Cox about 10:35 a. m., where I found General Cramer, Colonel John M. Weir, Mr. Oscar Cox, FBI Agent D. M. Ladd, Assistant Solicitor General N. A. Townsend, and a young lady stenographer.

Mr. Cox informed me that the President would order the execution by electrocution of the prisoners Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel, and that the other two prisoners, namely Ernest Peter Burger and George John Dasch, would be sentenced to life imprisonment and thirty years imprisonment respectively, and that the order of the President would direct me to carry out the execution of the six prisoners. He further stated that while I would not receive the order until sometime Thursday afternoon, August 6, 1942, the President desired and would order the execution of the prisoners after midnight on Thursday, August 6th, and that I should make the necessary plans for carrying out the sentences. I explained the details which would be necessary, the employment of executioners, two to be paid \$50 each, and the other two \$25 each for each person executed, the necessity for arranging for additional electric current, obtaining a Chaplain for each man to be executed, official witnesses for the execution, medical officers, the preparation of the prisoners, and various other essential details. I stated that if the prisoners were to be executed immediately after midnight, I should inform them of their sentences at 7:00 p. m., or five hours preceding the time of execution, at which time I should have medical officers and Chaplains present. I also stated that arrangements would have to be made with the District Commissioners for the use of the facilities necessary to carry out the executions and arrangements would have to be made with the Commanding General of the Army Medical Center to take care of the bodies after the executions. I was told that I should make my arrangements, as the order would be given to me in ample time.

With the assistance of Colonel M. F. DuFrenne, senior medical officer at Fort Myer, and Major Thomas M. Rives, all arrangements were perfected to carry into execution the wishes of the President as outlined above. About 12:30 p. m. on Wednesday, August 5th, I 'phoned Mr. Oscar Cox to ask if the order of the President could be obtained. He stated to me that he was then making arrangements to go to the White House. I remained at my office until 6:10 p. m. waiting for the order and then proceeded to my home. Upon arriving there at 6:35 I called the White House and talked to Judge Rosemond, who stated that Mr. Cox was with him and that Mr. Cox would advise me later with reference to the order. In the meantime, Colonel John M. Weir, the Assistant to the Judge Advocate General, had called me to tell me he was waiting in his office to get word from me with reference to the order and that he would remain there until he heard from me further. Arrangements made for the executions had been perfected and Colonel M. F. DuFrenne, Major Thomas M. Rives, six Chaplains, and the other necessary personnel were assembled at the Jail awaiting orders from me. At 7:10 p. m., Mr. Cox called to tell me that the order for the executions would not be issued by the President until sometime the following day. I thereupon notified Major Thomas M. Rives at the Jail that the executions would not take place as scheduled, that he was to so inform the medical officers, Chaplains, and others, and to

impress upon each one the continued necessity for the greatest secrecy, and that they would be notified when to again make their appearances. I then called Colonel John M. Weir to notify him that the order would not come out until the next day.

On Friday, August 7th, in response to a telephone call from Captain J. L. McCrea, Naval Aide to the President, and taking Major Thomas M. Rives with me, I met Captain McCrea at the south entrance to the White House about 1:10 p. m. Captain McCrea handed to me the President's order and stated that the exact hour for the executions would be later given me, probably during the evening. As a result of my discussion with Captain McCrea, I arranged for the necessary personnel to be assembled at the District Jail at 7:00 a. m. on Saturday, August 8th. About 10:25 p. m. on Friday, August 7th, I was called by telephone at home by Captain McCrea, who told me that the President ordered the executions to take place at noon on Saturday, August 8th. I conveyed this information to Major Thomas M. Rives at his home.

At 6:45 a. m. on Saturday, August 8th, I entered the District Jail and found there Colonel M. F. DuFrenne, Major Thomas M. Rives, 1st Lt. J. M. Dannish, Medical Corps, and Chaplains J. C. W. Linsley, E. A. Gracey, W. B. Adams and Thomas Midura. Chaplains Frederick Frommhamen and Vincent Mallifskes came in shortly afterwards. I assembled the Chaplains and gave them their orders. I ascertained from Colonel DuFrenne and Major Rives that all arrangements had been made.

Beginning at 7:30 a. m., in the presence of Colonel M. F. DuFrenne, Major Thomas M. Rives, and a Chaplain, I notified each of the six prisoners of the findings and sentences of the Military Commission and the order of the President that the sentences be executed that day, and left with each prisoner a Chaplain, as follows:

With Herbert Hans Haupt	—	Chaplain W. B. Adams
With Heinrich Harm Heinck	—	Chaplain Vincent Mallifskes
With Edward John Kerling	—	Chaplain E. A. Gracey
With Hermann Otto Neubauer	—	Chaplain Thomas Midura
With Richard Quirin	—	Chaplain Frederick Frommhamen
With Werner Thiel	—	Chaplain J. C. W. Linsley

I then notified George John Dasch of the findings and sentence of the Commission and of the order of the President commuting his sentence to thirty years imprisonment, and to Ernest Peter Burger I likewise communicated the findings and sentence of the Commission and the order of the President commuting his sentence to life imprisonment.

I then made an inspection of the rooms and corridors through which the prisoners would be taken to the death cells and Execution Chamber, and gave orders that all rooms and corridors through which

they were to pass should be cleared at 10:00 a. m. I also arranged that there be no passage to and from the Jail after 10:00 a. m. until I permitted it, and also that there be no communication by telephone out of the Jail except on official business.

At 10:00 a. m. I had the prisoners taken from their places of confinement to the death cells. Upon their arrival at the cells the prisoners were prepared for the execution by having their heads clipped and partially shaved and their right trousers legs slit.

At 12:01 p. m. Herbert Hans Haupt was taken into the Execution Chamber, the current was applied at 12:03, and at 12:11 he was pronounced dead by Colonel M. P. DuFrenne, by Lt. J. M. Dannish, and by the District of Columbia Coroner, Dr. A. Magruder MacDonald.

Heinrich Harm Heinck was taken into the Execution Chamber, the current was applied at 12:18½, and at 12:21 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Edward John Kerling was taken into the Execution Chamber, the current was applied at 12:27, and at 12:31 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Hermann Otto Neubauer was taken into the Execution Chamber, the current was applied at 12:38, and at 12:42 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Richard Quirin was taken into the Execution Chamber, the current was applied at 12:47½, and at 12:54 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

Werner Thiel was taken into the Execution Chamber, the current was applied at 12:59½, and at 1:04 he was pronounced dead by Colonel DuFrenne, by Lt. Dannish, and by Dr. MacDonald.

After each execution, the remains of the deceased were taken to a room in the basement of the Jail, where all the remains were assembled under guard.

At 1:25 p. m. two ambulances from the Army Medical Center were driven into the courtyard of the Jail. About 3:30 p. m., the bodies of Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin and Werner Thiel, in charge of Colonel DuFrenne and Major Rives, were taken and delivered to the Morgue at Walter Reed Hospital.

At 1:12 p. m. I telephoned Captain McCrea and told him that the President's order had been accomplished, beginning at 12:01 p. m. and being concluded at 1:04 p. m. At 1:22 p. m. Captain McCrea telephoned me to say the President had issued his release and that those assembled at the Jail would be permitted to leave.

Before the executions, I had assembled the military personnel and had issued to them a direct order that there be no discussion, nor any divulging of anything that took place pertaining to the executions. Before the executions, I had also assembled the Jail personnel who were to have any part in the executions as executioners, as guards, as witnesses, or otherwise, and required and gave to them an oath that they would not discuss or divulge anything pertaining to the executions.

At the conclusion of the executions, I did not permit any person to leave the execution area of the Jail until I had communicated with Captain McGrea and he had called back to say that persons would be permitted to leave the Jail. After Captain McGrea called back, I again assembled all personnel and cautioned them as to the necessity for the utmost secrecy and told them I was not making a request, but was issuing an order and command in the name of the President of the United States, that the obligation of secrecy should be obeyed until the President released them from such obligation. I then again issued a direct order and command to the military personnel to the same effect.

The announcement by me to the prisoners of their sentences was a considerable shock to all of them, with the possible exception of Ernest Peter Burger, who gave no indication of any shock or surprise. The immediate presence of a spiritual adviser was of great assistance to the prisoners and enabled them to maintain their composure. The Chaplains remained with the prisoners from the time I announced the sentences to them until they were each pronounced dead. Each Chaplain accompanied the prisoner to whom he had been assigned into the Execution Chamber and remained with him while the sentence was being carried out.

In the Execution Chamber, in addition to the prisoner and the Chaplain, were the executioners, and Major Rives, Colonel DuFrenne, Lt. Dannish, and Dr. MacDonald. Witnesses to each execution were Colonel Raymond Dailey, Captain Herbert B. Mayer, Mr. Ray L. Huff, Superintendent of D. C. Penal Institutions, Mr. E. A. Green, Superintendent of the District Jail, Claude O. Botkin, Superintendent of the D. C. Reformatory, and an officer and four enlisted men from the prisoners' guard.

The walk from the prisoners' place of confinement to the death cells is quite long and necessitates the ascending and descending of several flights of steps. Precautions were taken to carry any prisoner in the event he should collapse. This was not necessary, as every prisoner walked to the Execution Chamber without aid, except such as was necessarily given him by the two guards who conducted him. The prisoners made no outcry of any sort and conversed with no one except the Chaplains assigned. There was no demonstration and the executions were effected without delay and without any disturbance of any sort. Some of the prisoners wrote letters, which the Chaplains handed to me and which I, in turn, delivered to FBI Agent D. M. Ladd for such disposition as was proper.

The prisoners George John Dasch and Ernest Peter Burger were kept in custody by me until 3:00 p. m. on August 14th, when they were delivered by me, under proper authority, to James V. Bennett, Director, Bureau of Prisons, Department of Justice.

The prisoners had no personal possessions other than the clothes they wore and a few toilet articles when they were delivered to me. After the execution of the prisoners Herbert Hans Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Otto Neubauer, Richard Quirin, and Werner Thiel, their clothing and their toilet articles were destroyed by incineration.

Permit me to invite to your attention the full cooperation and splendid aid given me by the Commissioners of the District of Columbia, by my Assistant, Major Thomas M. Rives, by the penal authorities, by the Federal Bureau of Investigation, by the Medical Officers, by the Chaplains, by the military guard, by the United States Marshal of the District of Columbia, and by the Superintendent of Metropolitan Police.

ALC:gvj

ALBERT L. COX
Brigadier General, U. S. Army
Provost Marshal
Military District of Washington

~~SECRET~~

~~SECRET~~

September 16, 1942.

MEMORANDUM FOR

THE JUDGE ADVOCATE GENERAL OF THE ARMY

The President has directed that I send the attached papers (original and 1 copy) to you for filing with the record of proceedings of the trial of the saboteurs.

It is requested that the receipt of this memorandum, together with its enclosures, be acknowledged.

Very respectfully,

JOHN L. McCREA,
Captain, U. S. Navy,
Naval Aide to the President.

Room 2078
Navy Department

*Automatically Regarded UNCLASSIFIED
Authority E.O. 12865*

JAGC

52/4383

12 MAY 1952

Colonel Lindsey P. Caywood
Office of the Provost Marshal
Headquarters First Army
Governors Island, New York

Dear Colonel Caywood:

As Chief of the Military Justice Division, Judge Advocate General's Office, I am confronted with the problem of discovering the present status of two saboteurs, Dasch and Burger. These two, you will recall, were among six tried in Washington in 1942, and they were fortunate in ending up with their sentences commuted to imprisonment. They were duly committed to Federal penitentiaries.

In late 1947 and early 1948, a continuous pressure for added clemency culminated, so far as our files go, in recommendations that the two prisoners be turned over to Army custody and returned to Germany. Once there, their sentences were to be suspended by Presidential order, Burger's name was to be changed, and the Theater Commander was to prescribe appropriate restrictions upon them as to employment, travel and political activities. He was also to report each six months on their conduct with a view to eventual remission of their sentences. The Federal Bureau of Prisons informs me that Dasch and Burger were turned over to the Army at Fort Jay on 4 June 1948. From that point on I have so far been unable to trace them.

I write this in the hope that either your files or someone's personal recollection may verify their being taken into Army custody and the date of departure for Germany. Possibly the same source could define what restrictions were placed upon them or what subsequent reports were made.

With thanks for any assistance you can supply,

Sincerely yours,

Signed
C. ROBERT BARD
Colonel, JAGC
Chief, Military Justice Division

C.R.B.
Bard, CR/hbr

to
Hr Gen Clay from Gen Woe, C.A., Air App in 31 Oct 47
Contemplated, w/ conc. W/A + Theater Com. that
Atty Gen recom. to Pres that D+B be ret. to
mil cent, transp'd to Germany & released from
conf.

Gen Clay on 13 Nov 47 replied

Recom. Burger be ret under new name, as
he is well-qualified for use by CI people

Dasch = communist, trouble-maker, would
go to Soviets, require special surveillance,
not rec. for ret. to Germany, but no special
effort to retain in US if ret. is a matter of
commitment.

Gen Green to Atty Gen, 3 Dec 47

Rec. ret. to Army custody, transp. to German
unex. port. ^{suspended} ~~retained~~ DD under such
conditions re travel, employment and
politics as Theater Com. may require.

Th Com to submit recom. on remission
of sentence every 6 mos. Burger/new name

Dr Col Vovich to Asst Sec Gen, 29 Jan 48

Drafting ltr to Pres to carry out recom of
TGAQ.

Tom Clark to Gen Green 6 Feb 48

Draft ltr to Pres fwd Pres. action susp
as per 3 Dec 47

Fwd Bur Prio (Mr Richardson 197 x 959): will

AG Class. Records - No file

AG Mess Cent + Reg. Maj Harris - 54213:

JAG Mail Rec -

JAG CMR - No

46/1139

MEMORANDUM FOR THE RECORD

SUBJECT: Conference with Representatives of The Justice Department re Pardon Application of George J. Dasch.

The writer on the morning of 30 June 1954 conferred with Mr. Harvey, who is acting head of the Pardon Attorney's Office as a result of the retirement of Mr. Lyons, at his office at 131 Indiana Avenue, N.W. The details of the case presently pertinent and the method of handling the earlier requests for pardon were discussed. Mr. Harvey pointed out that his office had consistently considered this a military case and had forwarded all inquiries to The Adjutant General. The writer pointed out that just as consistently, The Adjutant General had forwarded the inquiries and applications to The Judge Advocate General with an expression of opinion that Dasch and Burger were not former military personnel, were not tried by court-martial, and were not therefore persons as to whom they could make recommendations. It was pointed out that a representative of The Judge Advocate General had on those occasions contacted the Assistant Solicitor General (Mr. Washington) and, by agreement, Mr. Washington proceeded with the processing of such matters. It was pointed out that when eventually The Attorney General, Mr. Clark, transmitted to The Judge Advocate General, a memorandum to the President by those two parties jointly recommending certain clemency in the case, their office redrafted the memorandum into a unilateral recommendation by The Attorney General, to which the Department of the Army interposed no objection. The proposed executive order and the press release were modified accordingly. Mr. Clark acceded to the modification.

Mr. Harvey stated he could see that this was an unusual case and that probably his office would end up with it, but that he could not and would not accept it himself, but would have to be told from above to do so. At this point the writer requested Mr. Harvey to arrange an appointment with someone in The Attorney General's Office who might be able to make a decision in the case. Mr. Harvey made an immediate appointment with Mr. Allan Lindsay, Executive Assistant to Mr. Olney, Assistant Attorney General and Chief of the Criminal Division.

The writer conferred with Mr. Lindsay in his office in the Department of Justice Building (and at lunch). Mr. Lindsay had quickly checked the Attorney General file prior to our arrival and after a discussion substantially as with Mr. Harvey, Mr. Lindsay pointed out that it didn't appear from their file or the information the writer had given him that the Criminal Division had an interest in the matter or that Mr. Olney could or would make a decision in the case. Mr. Lindsay stated he believed only The Attorney General or his First Assistant could direct Mr. Harvey to process the case. Mr. Lindsay called the Executive Assistant to The Attorney General to attempt to arrange an appointment for me. That officer, on the telephone, agreed with Mr. Lindsay that

APPROVAL				COORD	
DIV	CH	EXEC	O	CH	ACT

SUBJECT: Conference with Representative of The Justice Department re Pardon
Application of George J. Dasch.

Mr. Harvey should take the case and inform Mr. Lindsay it should not be necessary for the writer to see anyone else personally on the matter. The writer was advised to take one of two courses, either of which should have the result desired by ^{his} office.

It was suggested that we have The Adjutant General return the file to the Pardon Attorney with an explanation of our position that this is not a military prisoner case and of our position that we should not be required to judge the actions of another department. The Pardon Attorney, it was suggested, would then almost certainly refer the matter to the Attorney General for a decision.

The alternative suggestion was that we have the Secretary of the Army transmit the file to the Attorney General with a similar explanation.

The writer indicated he considered the first alternative more feasible, but that the decision would be made by others.

ROBERT M. MUMMEY
Major, JAGC
Opinions Branch
Military Justice Division

MAIL & RECORDS: File with SPJCE 1946/1139

JAGJ CM 334178

TO: TAG

Attn: Operations Br

FROM: DA, JAG

Mil Justice Div

Rm 3E-318, The Pentagon

DATE:

COMBENT NO. 2

Maj Munnay/72418

1. The following information is furnished on which to base a reply to the Pardon Attorney.

2. George John Dasch, the party whose informal applications for a Presidential pardon have been transmitted through the State Department and the Pardon Attorney's office to your office by letter of that latter office dated 2 June 1954, is one of the eight saboteurs who were convicted by a military commission appointed by the President on 2 July 1942. The commission was composed of general officers of the Army and The Judge Advocate General was ordered to prosecute the case jointly with the Attorney General. The record of the proceedings was forwarded directly to the President, by his order, and was never processed or reviewed in this office. The President personally ordered the sentences to death of six of the saboteurs to be executed and those of Dasch and Ernest Peter Burger to be commuted to confinement for 30 years and life, respectively.

Beginning in June 1945, Dasch and his wife (and later a few other interested persons) made frequent requests or demands for his release, pardon, and full vindication. Certain of these letters were transmitted by the Pardon Attorney's office and the Attorney General's office to The Adjutant General with a comment that Dasch was considered a military prisoner. Your office has transmitted these letters to this office with the comment that the subject was not tried by general court-martial and appropriate action could not be taken by your office (i.e., IF TAG, AGPM-CR 201 Dasch, George J. (4 June 47), Subject: Clemency, 11 June 1947).

COPY FOR: ✓ MAIL & RECORDS

Munnay, FM/nda/hbr

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This office, during a period of almost three years beginning in the summer of 1945, maintained a close liaison on this matter with the Attorney General's office. Mr. Washington, the Assistant Solicitor General, was in charge of the matter and reported directly to the Attorney General. On 6 February 1948 the Attorney General transmitted to The Judge Advocate General for his signature a joint letter to the President, already signed by Mr. Clark, recommending that Dasch and Burger be returned to Army custody and by the Army to Germany where they would be released under suspended sentences. A proposed Presidential directive to the Attorney General and the Secretary of the Army designed to accomplish that recommendation was attached.

By letter 20 February 1948, this office transmitted a substitute letter for the signature of the Attorney General alone. The letter, the proposed directive, and the press release were modified to indicate this action was initiated by the Attorney General and that the Department of the Army interposed no objection (JAGJ 1946/1139, 20 Feb 1948). The Attorney General signed and sent this letter to the President who took the action recommended (by President's Memorandum, 20 March 1948, filed OSA 253.1 (3-20-48) in OFMG retired file Burger, E.P.O. Dasch, George J. (Confidential)). Pursuant to that directive, Dasch was returned to the Army on 29 March 1948, left New York on 6 April 1948, arrived Bremerhaven, Germany, 22 April 1948, and was turned over to the German de-nazification officials shortly thereafter (OFG file, supra).

3. The president's power to pardon has, at least since the middle of the 19th Century, been exercised on advice of the Office of the Attorney General. W. H. Humbert, The Pardoning Power of The President, American Council on Public Affairs, (1941); Albert Langeletting, The Department of Justice of the United States, Johns Hopkins Press (1927) 19, 26, 97; JAGO 253.11--Pardons, Memorandum, 8 June 1937. Prior to 1921, all warrants of pardon were prepared by the Office of the Attorney General and transmitted to the President. By letter to the President dated 6 December 1921, the Attorney General took exception to being directed to prepare warrants for several former soldiers who had been convicted by general court-martial (Youngblood, et al) "in accordance with the form suggested by the Secretary of War." The Attorney General noted that the duty devolved upon him by former President Cleveland's order of 16 June 1893 and that the President by executive order could direct the Secretary of War to prepare such warrants. The Secretary to the President, by letter 14 December 1921, returned the Youngblood, et al, cases at the direction of the President and "with the request that your Department have prepared and sent to him [the President] the formal warrants of pardon to carry out the recommendations contained in your letter of November 16, 1921."

On 1 May 1934, the Attorney General promulgated and the President approved a set of "Rules Governing Applications For Pardons." Rule 1 thereof reads:

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"A formal petition for Executive clemency, addressed to the President and signed by the applicant, must be submitted to the Attorney General before the question of Executive clemency will be considered."

Rule 4, thereof, reads in part:

"[The petition] should be addressed to 'the President of the United States', and be forwarded under cover to 'The Attorney General', except: Applications for pardon for offenses against the military laws should be sent to the Secretary of War * * *."

On 4 September 1937, the Secretary of War wrote the Attorney General on the subject of the responsibility for processing pardons. That letter (AG 251.24 (8-26-37)Enl) reads, in part:

"With increasing frequency the War Department is confronted with applications for pardon by the President of persons who have been convicted by courts-martial for various offenses * * *."

"Prior to the latter part of 1921 the Department of Justice, pursuant to an Executive order of June 16, 1893, prepared, countersigned and recorded warrants of pardon for all offenders against the laws of the United States. In a letter dated December 6, 1921, the Attorney General expressed the view that the War Department might appropriately prepare and countersign warrants of pardon for persons convicted by courts-martial. From that time this department has done so * * *."

"In view of the problem outlined above, there is submitted for your consideration the following procedure for securing reasonably complete reports on which the President may base his decision to grant or withhold pardons in cases of persons convicted by courts-martial:

"All such applications for pardons will be considered first by the War Department which will submit its recommendations, either absolute or conditional, together with a summary of the facts presented by its records. Thereafter, the Department of Justice will proceed with the case in accordance with its practice and under its rules governing applications for pardons. The Department of Justice will prepare, countersign and record the warrants of pardon when pardon is granted. When pardon has been granted or denied, that information should be transmitted to the War Department for the completion of its records."

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"The foregoing plan would apply only to persons who have been separated from the service and released from confinement, and who have been, for a prescribed period of years, members of the civil community.

"It is deemed proper to add that since December 6, 1921, when the issuance of Presidential pardons in the cases of persons tried by general courts-martial was turned over to the War Department, only about eighty-seven formal applications for pardon have been received * * *.

"The procedure here proposed would place persons convicted in the Federal courts and those convicted by courts-martial on the same footing with equal opportunities for obtaining pardons for the same or similar offenses."

On 22 September 1937, the Attorney General replied, acknowledging receipt of the 4 September letter:

"* * * with regard to the procedure on applications for pardon for the purpose of restoring civil rights submitted by persons who have been convicted by courts-martial and have been separated from the service for some years."

and concurring in the procedure recommended.

On 16 October 1937, the Secretary of War replied, acknowledging receipt of the 22 September letter:

"* * * with reference to the procedure to be followed in the future on applications for pardon, for the purpose of restoring civil rights, submitted by persons who have been convicted by courts-martial and have been separated from the service for some years."

A press release publicizing the above agreement was released on 16 October 1937. This release repeatedly refers to persons "convicted by courts-martial" and "separated from the service."

A memorandum, dated 26 October 1937, reports the results of a conference on 22 October 1937 between representatives of The Adjutant General, Mr. Lyons, the Pardon Attorney, and Mr. Turner, Assistant Pardon Attorney:

"That appeals for pardon from persons who have been tried and convicted by general court-martial will be started by the War Department sending out the usual set of blank forms to the applicant * * *."

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4. It should be apparent that the applicant in this case does not come within the category, defined in paragraph 3, above, as to which the Department of the Army could or should take preliminary action. He is not a member or a former member of the military service. He was not tried by court-martial. He was not confined in a military prison and, consequently, no confinement records are available in this department. The record of the proceedings of the President's Commission were not processed through or reviewed in this office and the official transcript thereof is on file in the Attorney General's office.

In addition, it should be noted that the petitioner's claim is that representatives of the Attorney General's office made various promises to him prior and subsequent to the trial (ltr, 5 March 1946, to the Attorney General, page 2; ltr, 17 December 1953, to the President, pages 2 & 3). The Department of the Army is not in a position to ascertain the truth of the allegations nor to grant the type of relief asked for by the applicant. Neither is it considered desirable for this department to investigate and judge the actions of representatives of another executive department.

5. It is therefore recommended that the attached papers be returned to the Pardon Attorney with an expression of opinion consistent with the above precedents and conclusions.

FOR THE JUDGE ADVOCATE GENERAL:

1 Incl
n/c

JAMES E. GOEWIS, Colonel, JAGC
Chief, Military Justice Division

NOTE FOR RETAINED COPIES:

No Supporting Memorandum prepared.

The writer has had the files of the Secretary of the Army, the Chief of Staff, The Adjutant General, The Provost Marshal General and The Judge Advocate General searched for records of the processing of this case.

The writer had conferences with representatives of the Pardon Attorney's and the Attorney General's offices. A memorandum of those conferences is attached. The records of this office were searched in an attempt to find a case of a pardon of a person convicted by a military commission appointed by the President. No such case was found.

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NOTE FOR RETAINED COPIES (Cont'd):

It appears that in 1868 Dr. Samuel A. Mudd and, in 1869, Samuel Arnold and Edward Spangler, of the so-called Lincoln Assassination Conspirators were pardoned by the President. Philip Van Doren Stern, Introduction to Bern Pitman, The Assassination of President Lincoln and The Trial of The Conspirators, Funk & Wagnalls (1954) p. XIX. The records of this office contain no reference to the processing thereof. The writer examined the Lincoln conspiracy correspondence files at the National Archives but could find, in the time available, no record of the pardon processing. There is no subject index, the letters being filed alphabetically by the correspondent's name. The writer examined those filed under "A", "M", and "P". Correspondence from official and private parties is filed together. There is a general index to letters received by The Judge Advocate General, but this index is also alphabetically by the writer's name rather than by subject. The writer examined the entries for the years 1863-1873 under the letter "M" without discovering correspondence relating to a pardon for Dr. Mudd.

A recent lengthy volume, Pardon and Amnesty under Lincoln and Johnson, by J. T. Dorris, Univ. of North Carolina Press (1953) fails to mention the Mudd, Spangler and Arnold pardons.

The OJAG correspondence file on the Dasch and Burger case is SPJCE 1946/1139, 14 Jan. 1946.

No correspondence is found with the photostatic copy of the record—CM 334178. The copy is incomplete in that the first day's proceedings are not reported.

There is no record of the sentence having been suspended by the Department of the Army or of any action having been taken on the sentences after the President's order.

Copies of this correspondence should be attached to SPJCE 1946/1139 and to the Pardons file - 253.11 - Pardons - 23 Aug 1937.

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